

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 Sections 1-3.33, 1-3.38, 3-12, 5-1, 5-3, 6-4, 6-5,
6 6-6, and 6-36 and by adding Section 1-3.40 as follows:

7 (235 ILCS 5/1-3.33)

8 Sec. 1-3.33. "Brew Pub" means a person who manufactures no
9 more than 155,000 gallons of beer per year only at a designated
10 licensed premises to make sales to importing distributors,
11 distributors, and to non-licensees for use and consumption
12 only, who stores beer at the designated premises, and who is
13 allowed to sell at retail from the licensed premises, provided
14 that a brew pub licensee shall not sell for off-premises
15 consumption more than 155,000 ~~50,000~~ gallons per year. ~~A person~~
16 ~~who holds a brew pub license may simultaneously hold a craft~~
17 ~~brewer license if he or she otherwise qualifies for the craft~~
18 ~~brewer license and the craft brewer license is for a location~~
19 ~~separate from the brew pub's licensed premises.~~

20 (Source: P.A. 97-5, eff. 6-1-11.)

21 (235 ILCS 5/1-3.38)

22 Sec. 1-3.38. Class 1 brewer. "Class 1 Craft brewer" means a

1 person who is a holder of a ~~licensed~~ brewer license or ~~licensed~~
2 non-resident dealer license who manufactures up to 930,000
3 gallons of beer per year and who may make sales and deliveries
4 to importing distributors and distributors and to retail
5 licensees in accordance with the conditions set forth in
6 paragraph (18) of subsection (a) of Section 3-12 of this Act.

7 (Source: P.A. 97-5, eff. 6-1-11; 98-401, eff. 8-16-13.)

8 (235 ILCS 5/1-3.40 new)

9 Sec. 1-3.40. Class 2 brewer. "Class 2 brewer" means a
10 person who is a holder of a brewer license or non-resident
11 dealer license who manufactures up to 3,720,000 gallons of beer
12 per year for sale to a licensed importing distributor or
13 distributor.

14 (235 ILCS 5/3-12)

15 (Text of Section before amendment by P.A. 98-939)

16 Sec. 3-12. Powers and duties of State Commission.

17 (a) The State commission shall have the following powers,
18 functions, and duties:

19 (1) To receive applications and to issue licenses to
20 manufacturers, foreign importers, importing distributors,
21 distributors, non-resident dealers, on premise consumption
22 retailers, off premise sale retailers, special event
23 retailer licensees, special use permit licenses, auction
24 liquor licenses, brew pubs, caterer retailers,

1 non-beverage users, railroads, including owners and
2 lessees of sleeping, dining and cafe cars, airplanes,
3 boats, brokers, and wine maker's premises licensees in
4 accordance with the provisions of this Act, and to suspend
5 or revoke such licenses upon the State commission's
6 determination, upon notice after hearing, that a licensee
7 has violated any provision of this Act or any rule or
8 regulation issued pursuant thereto and in effect for 30
9 days prior to such violation. Except in the case of an
10 action taken pursuant to a violation of Section 6-3, 6-5,
11 or 6-9, any action by the State Commission to suspend or
12 revoke a licensee's license may be limited to the license
13 for the specific premises where the violation occurred.

14 In lieu of suspending or revoking a license, the
15 commission may impose a fine, upon the State commission's
16 determination and notice after hearing, that a licensee has
17 violated any provision of this Act or any rule or
18 regulation issued pursuant thereto and in effect for 30
19 days prior to such violation.

20 For the purpose of this paragraph (1), when determining
21 multiple violations for the sale of alcohol to a person
22 under the age of 21, a second or subsequent violation for
23 the sale of alcohol to a person under the age of 21 shall
24 only be considered if it was committed within 5 years after
25 the date when a prior violation for the sale of alcohol to
26 a person under the age of 21 was committed.

1 The fine imposed under this paragraph may not exceed
2 \$500 for each violation. Each day that the activity, which
3 gave rise to the original fine, continues is a separate
4 violation. The maximum fine that may be levied against any
5 licensee, for the period of the license, shall not exceed
6 \$20,000. The maximum penalty that may be imposed on a
7 licensee for selling a bottle of alcoholic liquor with a
8 foreign object in it or serving from a bottle of alcoholic
9 liquor with a foreign object in it shall be the destruction
10 of that bottle of alcoholic liquor for the first 10 bottles
11 so sold or served from by the licensee. For the eleventh
12 bottle of alcoholic liquor and for each third bottle
13 thereafter sold or served from by the licensee with a
14 foreign object in it, the maximum penalty that may be
15 imposed on the licensee is the destruction of the bottle of
16 alcoholic liquor and a fine of up to \$50.

17 (2) To adopt such rules and regulations consistent with
18 the provisions of this Act which shall be necessary to
19 carry on its functions and duties to the end that the
20 health, safety and welfare of the People of the State of
21 Illinois shall be protected and temperance in the
22 consumption of alcoholic liquors shall be fostered and
23 promoted and to distribute copies of such rules and
24 regulations to all licensees affected thereby.

25 (3) To call upon other administrative departments of
26 the State, county and municipal governments, county and

1 city police departments and upon prosecuting officers for
2 such information and assistance as it deems necessary in
3 the performance of its duties.

4 (4) To recommend to local commissioners rules and
5 regulations, not inconsistent with the law, for the
6 distribution and sale of alcoholic liquors throughout the
7 State.

8 (5) To inspect, or cause to be inspected, any premises
9 in this State where alcoholic liquors are manufactured,
10 distributed, warehoused, or sold. Nothing in this Act
11 authorizes an agent of the Commission to inspect private
12 areas within the premises without reasonable suspicion or a
13 warrant during an inspection. "Private areas" include, but
14 are not limited to, safes, personal property, and closed
15 desks.

16 (5.1) Upon receipt of a complaint or upon having
17 knowledge that any person is engaged in business as a
18 manufacturer, importing distributor, distributor, or
19 retailer without a license or valid license, to notify the
20 local liquor authority, file a complaint with the State's
21 Attorney's Office of the county where the incident
22 occurred, or initiate an investigation with the
23 appropriate law enforcement officials.

24 (5.2) To issue a cease and desist notice to persons
25 shipping alcoholic liquor into this State from a point
26 outside of this State if the shipment is in violation of

1 this Act.

2 (5.3) To receive complaints from licensees, local
3 officials, law enforcement agencies, organizations, and
4 persons stating that any licensee has been or is violating
5 any provision of this Act or the rules and regulations
6 issued pursuant to this Act. Such complaints shall be in
7 writing, signed and sworn to by the person making the
8 complaint, and shall state with specificity the facts in
9 relation to the alleged violation. If the Commission has
10 reasonable grounds to believe that the complaint
11 substantially alleges a violation of this Act or rules and
12 regulations adopted pursuant to this Act, it shall conduct
13 an investigation. If, after conducting an investigation,
14 the Commission is satisfied that the alleged violation did
15 occur, it shall proceed with disciplinary action against
16 the licensee as provided in this Act.

17 (6) To hear and determine appeals from orders of a
18 local commission in accordance with the provisions of this
19 Act, as hereinafter set forth. Hearings under this
20 subsection shall be held in Springfield or Chicago, at
21 whichever location is the more convenient for the majority
22 of persons who are parties to the hearing.

23 (7) The commission shall establish uniform systems of
24 accounts to be kept by all retail licensees having more
25 than 4 employees, and for this purpose the commission may
26 classify all retail licensees having more than 4 employees

1 and establish a uniform system of accounts for each class
2 and prescribe the manner in which such accounts shall be
3 kept. The commission may also prescribe the forms of
4 accounts to be kept by all retail licensees having more
5 than 4 employees, including but not limited to accounts of
6 earnings and expenses and any distribution, payment, or
7 other distribution of earnings or assets, and any other
8 forms, records and memoranda which in the judgment of the
9 commission may be necessary or appropriate to carry out any
10 of the provisions of this Act, including but not limited to
11 such forms, records and memoranda as will readily and
12 accurately disclose at all times the beneficial ownership
13 of such retail licensed business. The accounts, forms,
14 records and memoranda shall be available at all reasonable
15 times for inspection by authorized representatives of the
16 State commission or by any local liquor control
17 commissioner or his or her authorized representative. The
18 commission, may, from time to time, alter, amend or repeal,
19 in whole or in part, any uniform system of accounts, or the
20 form and manner of keeping accounts.

21 (8) In the conduct of any hearing authorized to be held
22 by the commission, to appoint, at the commission's
23 discretion, hearing officers to conduct hearings involving
24 complex issues or issues that will require a protracted
25 period of time to resolve, to examine, or cause to be
26 examined, under oath, any licensee, and to examine or cause

1 to be examined the books and records of such licensee; to
2 hear testimony and take proof material for its information
3 in the discharge of its duties hereunder; to administer or
4 cause to be administered oaths; for any such purpose to
5 issue subpoena or subpoenas to require the attendance of
6 witnesses and the production of books, which shall be
7 effective in any part of this State, and to adopt rules to
8 implement its powers under this paragraph (8).

9 Any Circuit Court may by order duly entered, require
10 the attendance of witnesses and the production of relevant
11 books subpoenaed by the State commission and the court may
12 compel obedience to its order by proceedings for contempt.

13 (9) To investigate the administration of laws in
14 relation to alcoholic liquors in this and other states and
15 any foreign countries, and to recommend from time to time
16 to the Governor and through him or her to the legislature
17 of this State, such amendments to this Act, if any, as it
18 may think desirable and as will serve to further the
19 general broad purposes contained in Section 1-2 hereof.

20 (10) To adopt such rules and regulations consistent
21 with the provisions of this Act which shall be necessary
22 for the control, sale or disposition of alcoholic liquor
23 damaged as a result of an accident, wreck, flood, fire or
24 other similar occurrence.

25 (11) To develop industry educational programs related
26 to responsible serving and selling, particularly in the

1 areas of overserving consumers and illegal underage
2 purchasing and consumption of alcoholic beverages.

3 (11.1) To license persons providing education and
4 training to alcohol beverage sellers and servers under the
5 Beverage Alcohol Sellers and Servers Education and
6 Training (BASSET) programs and to develop and administer a
7 public awareness program in Illinois to reduce or eliminate
8 the illegal purchase and consumption of alcoholic beverage
9 products by persons under the age of 21. Application for a
10 license shall be made on forms provided by the State
11 Commission.

12 (12) To develop and maintain a repository of license
13 and regulatory information.

14 (13) On or before January 15, 1994, the Commission
15 shall issue a written report to the Governor and General
16 Assembly that is to be based on a comprehensive study of
17 the impact on and implications for the State of Illinois of
18 Section 1926 of the Federal ADAMHA Reorganization Act of
19 1992 (Public Law 102-321). This study shall address the
20 extent to which Illinois currently complies with the
21 provisions of P.L. 102-321 and the rules promulgated
22 pursuant thereto.

23 As part of its report, the Commission shall provide the
24 following essential information:

25 (i) the number of retail distributors of tobacco
26 products, by type and geographic area, in the State;

1 (ii) the number of reported citations and
2 successful convictions, categorized by type and
3 location of retail distributor, for violation of the
4 Prevention of Tobacco Use by Minors and Sale and
5 Distribution of Tobacco Products Act and the Smokeless
6 Tobacco Limitation Act;

7 (iii) the extent and nature of organized
8 educational and governmental activities that are
9 intended to promote, encourage or otherwise secure
10 compliance with any Illinois laws that prohibit the
11 sale or distribution of tobacco products to minors; and

12 (iv) the level of access and availability of
13 tobacco products to individuals under the age of 18.

14 To obtain the data necessary to comply with the
15 provisions of P.L. 102-321 and the requirements of this
16 report, the Commission shall conduct random, unannounced
17 inspections of a geographically and scientifically
18 representative sample of the State's retail tobacco
19 distributors.

20 The Commission shall consult with the Department of
21 Public Health, the Department of Human Services, the
22 Illinois State Police and any other executive branch
23 agency, and private organizations that may have
24 information relevant to this report.

25 The Commission may contract with the Food and Drug
26 Administration of the U.S. Department of Health and Human

1 Services to conduct unannounced investigations of Illinois
2 tobacco vendors to determine compliance with federal laws
3 relating to the illegal sale of cigarettes and smokeless
4 tobacco products to persons under the age of 18.

5 (14) On or before April 30, 2008 and every 2 years
6 thereafter, the Commission shall present a written report
7 to the Governor and the General Assembly that shall be
8 based on a study of the impact of this amendatory Act of
9 the 95th General Assembly on the business of soliciting,
10 selling, and shipping wine from inside and outside of this
11 State directly to residents of this State. As part of its
12 report, the Commission shall provide all of the following
13 information:

14 (A) The amount of State excise and sales tax
15 revenues generated.

16 (B) The amount of licensing fees received.

17 (C) The number of cases of wine shipped from inside
18 and outside of this State directly to residents of this
19 State.

20 (D) The number of alcohol compliance operations
21 conducted.

22 (E) The number of winery shipper's licenses
23 issued.

24 (F) The number of each of the following: reported
25 violations; cease and desist notices issued by the
26 Commission; notices of violations issued by the

1 Commission and to the Department of Revenue; and
2 notices and complaints of violations to law
3 enforcement officials, including, without limitation,
4 the Illinois Attorney General and the U.S. Department
5 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

6 (15) As a means to reduce the underage consumption of
7 alcoholic liquors, the Commission shall conduct alcohol
8 compliance operations to investigate whether businesses
9 that are soliciting, selling, and shipping wine from inside
10 or outside of this State directly to residents of this
11 State are licensed by this State or are selling or
12 attempting to sell wine to persons under 21 years of age in
13 violation of this Act.

14 (16) The Commission shall, in addition to notifying any
15 appropriate law enforcement agency, submit notices of
16 complaints or violations of Sections 6-29 and 6-29.1 by
17 persons who do not hold a winery shipper's license under
18 this amendatory Act to the Illinois Attorney General and to
19 the U.S. Department of Treasury's Alcohol and Tobacco Tax
20 and Trade Bureau.

21 (17) (A) A person licensed to make wine under the laws
22 of another state who has a winery shipper's license under
23 this amendatory Act and annually produces less than 25,000
24 gallons of wine or a person who has a first-class or
25 second-class wine manufacturer's license, a first-class or
26 second-class wine-maker's license, or a limited wine

1 manufacturer's license under this Act and annually
2 produces less than 25,000 gallons of wine may make
3 application to the Commission for a self-distribution
4 exemption to allow the sale of not more than 5,000 gallons
5 of the exemption holder's wine to retail licensees per
6 year.

7 (B) In the application, which shall be sworn under
8 penalty of perjury, such person shall state (1) the
9 date it was established; (2) its volume of production
10 and sales for each year since its establishment; (3)
11 its efforts to establish distributor relationships;
12 (4) that a self-distribution exemption is necessary to
13 facilitate the marketing of its wine; and (5) that it
14 will comply with the liquor and revenue laws of the
15 United States, this State, and any other state where it
16 is licensed.

17 (C) The Commission shall approve the application
18 for a self-distribution exemption if such person: (1)
19 is in compliance with State revenue and liquor laws;
20 (2) is not a member of any affiliated group that
21 produces more than 25,000 gallons of wine per annum or
22 produces any other alcoholic liquor; (3) will not
23 annually produce for sale more than 25,000 gallons of
24 wine; and (4) will not annually sell more than 5,000
25 gallons of its wine to retail licensees.

26 (D) A self-distribution exemption holder shall

1 annually certify to the Commission its production of
2 wine in the previous 12 months and its anticipated
3 production and sales for the next 12 months. The
4 Commission may fine, suspend, or revoke a
5 self-distribution exemption after a hearing if it
6 finds that the exemption holder has made a material
7 misrepresentation in its application, violated a
8 revenue or liquor law of Illinois, exceeded production
9 of 25,000 gallons of wine in any calendar year, or
10 become part of an affiliated group producing more than
11 25,000 gallons of wine or any other alcoholic liquor.

12 (E) Except in hearings for violations of this Act
13 or amendatory Act or a bona fide investigation by duly
14 sworn law enforcement officials, the Commission, or
15 its agents, the Commission shall maintain the
16 production and sales information of a
17 self-distribution exemption holder as confidential and
18 shall not release such information to any person.

19 (F) The Commission shall issue regulations
20 governing self-distribution exemptions consistent with
21 this Section and this Act.

22 (G) Nothing in this subsection (17) shall prohibit
23 a self-distribution exemption holder from entering
24 into or simultaneously having a distribution agreement
25 with a licensed Illinois distributor.

26 (H) It is the intent of this subsection (17) to

1 promote and continue orderly markets. The General
2 Assembly finds that in order to preserve Illinois'
3 regulatory distribution system it is necessary to
4 create an exception for smaller makers of wine as their
5 wines are frequently adjusted in varietals, mixes,
6 vintages, and taste to find and create market niches
7 sometimes too small for distributor or importing
8 distributor business strategies. Limited
9 self-distribution rights will afford and allow smaller
10 makers of wine access to the marketplace in order to
11 develop a customer base without impairing the
12 integrity of the 3-tier system.

13 (18) (A) A class 1 craft ~~craft~~ brewer licensee, who must also
14 be either a licensed brewer or licensed non-resident dealer
15 and annually manufacture less than 930,000 gallons of beer,
16 may make application to the State Commission for a
17 self-distribution exemption to allow the sale of not more
18 than 232,500 gallons of the exemption holder's beer to
19 retail licensees per year.

20 (B) In the application, which shall be sworn under
21 penalty of perjury, the class 1 craft ~~craft~~ brewer licensee
22 shall state (1) the date it was established; (2) its
23 volume of beer manufactured and sold for each year
24 since its establishment; (3) its efforts to establish
25 distributor relationships; (4) that a
26 self-distribution exemption is necessary to facilitate

1 the marketing of its beer; and (5) that it will comply
2 with the alcoholic beverage and revenue laws of the
3 United States, this State, and any other state where it
4 is licensed.

5 (C) Any application submitted shall be posted on
6 the State Commission's website at least 45 days prior
7 to action by the State Commission. The State Commission
8 shall approve the application for a self-distribution
9 exemption if the class 1 craft brewer licensee: (1) is
10 in compliance with the State, revenue, and alcoholic
11 beverage laws; (2) is not a member of any affiliated
12 group that manufactures more than 930,000 gallons of
13 beer per annum or produces any other alcoholic
14 beverages; (3) shall not annually manufacture for sale
15 more than 930,000 gallons of beer; ~~and~~ (4) shall not
16 annually sell more than 232,500 gallons of its beer to
17 retail licensees; and (5) has relinquished any brew pub
18 license held by the licensee, including any ownership
19 interest held in the licensed brew pub.

20 (D) A self-distribution exemption holder shall
21 annually certify to the State Commission its
22 manufacture of beer during the previous 12 months and
23 its anticipated manufacture and sales of beer for the
24 next 12 months. The State Commission may fine, suspend,
25 or revoke a self-distribution exemption after a
26 hearing if it finds that the exemption holder has made

1 a material misrepresentation in its application,
2 violated a revenue or alcoholic beverage law of
3 Illinois, exceeded the manufacture of 930,000 gallons
4 of beer in any calendar year or became part of an
5 affiliated group manufacturing more than 930,000
6 gallons of beer or any other alcoholic beverage.

7 (E) The State Commission shall issue rules and
8 regulations governing self-distribution exemptions
9 consistent with this Act.

10 (F) Nothing in this paragraph (18) shall prohibit a
11 self-distribution exemption holder from entering into
12 or simultaneously having a distribution agreement with
13 a licensed Illinois importing distributor or a
14 distributor. If a self-distribution exemption holder
15 enters into a distribution agreement and has assigned
16 distribution rights to an importing distributor or
17 distributor, then the self-distribution exemption
18 holder's distribution rights in the assigned
19 territories shall cease in a reasonable time not to
20 exceed 60 days.

21 (G) It is the intent of this paragraph (18) to
22 promote and continue orderly markets. The General
23 Assembly finds that in order to preserve Illinois'
24 regulatory distribution system, it is necessary to
25 create an exception for smaller manufacturers in order
26 to afford and allow such smaller manufacturers of beer

1 access to the marketplace in order to develop a
2 customer base without impairing the integrity of the
3 3-tier system.

4 (b) On or before April 30, 1999, the Commission shall
5 present a written report to the Governor and the General
6 Assembly that shall be based on a study of the impact of this
7 amendatory Act of 1998 on the business of soliciting, selling,
8 and shipping alcoholic liquor from outside of this State
9 directly to residents of this State.

10 As part of its report, the Commission shall provide the
11 following information:

12 (i) the amount of State excise and sales tax revenues
13 generated as a result of this amendatory Act of 1998;

14 (ii) the amount of licensing fees received as a result
15 of this amendatory Act of 1998;

16 (iii) the number of reported violations, the number of
17 cease and desist notices issued by the Commission, the
18 number of notices of violations issued to the Department of
19 Revenue, and the number of notices and complaints of
20 violations to law enforcement officials.

21 (Source: P.A. 97-5, eff. 6-1-11; 98-401, eff. 8-16-13; 98-941,
22 eff. 1-1-15.)

23 (Text of Section after amendment by P.A. 98-939)

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6 retailer licensees, special use permit licenses, auction
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8 non-beverage users, railroads, including owners and
9 lessees of sleeping, dining and cafe cars, airplanes,
10 boats, brokers, and wine maker's premises licensees in
11 accordance with the provisions of this Act, and to suspend
12 or revoke such licenses upon the State commission's
13 determination, upon notice after hearing, that a licensee
14 has violated any provision of this Act or any rule or
15 regulation issued pursuant thereto and in effect for 30
16 days prior to such violation. Except in the case of an
17 action taken pursuant to a violation of Section 6-3, 6-5,
18 or 6-9, any action by the State Commission to suspend or
19 revoke a licensee's license may be limited to the license
20 for the specific premises where the violation occurred.

21 In lieu of suspending or revoking a license, the
22 commission may impose a fine, upon the State commission's
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1 For the purpose of this paragraph (1), when determining
2 multiple violations for the sale of alcohol to a person
3 under the age of 21, a second or subsequent violation for
4 the sale of alcohol to a person under the age of 21 shall
5 only be considered if it was committed within 5 years after
6 the date when a prior violation for the sale of alcohol to
7 a person under the age of 21 was committed.

8 The fine imposed under this paragraph may not exceed
9 \$500 for each violation. Each day that the activity, which
10 gave rise to the original fine, continues is a separate
11 violation. The maximum fine that may be levied against any
12 licensee, for the period of the license, shall not exceed
13 \$20,000. The maximum penalty that may be imposed on a
14 licensee for selling a bottle of alcoholic liquor with a
15 foreign object in it or serving from a bottle of alcoholic
16 liquor with a foreign object in it shall be the destruction
17 of that bottle of alcoholic liquor for the first 10 bottles
18 so sold or served from by the licensee. For the eleventh
19 bottle of alcoholic liquor and for each third bottle
20 thereafter sold or served from by the licensee with a
21 foreign object in it, the maximum penalty that may be
22 imposed on the licensee is the destruction of the bottle of
23 alcoholic liquor and a fine of up to \$50.

24 (2) To adopt such rules and regulations consistent with
25 the provisions of this Act which shall be necessary to
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1 health, safety and welfare of the People of the State of
2 Illinois shall be protected and temperance in the
3 consumption of alcoholic liquors shall be fostered and
4 promoted and to distribute copies of such rules and
5 regulations to all licensees affected thereby.

6 (3) To call upon other administrative departments of
7 the State, county and municipal governments, county and
8 city police departments and upon prosecuting officers for
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10 the performance of its duties.

11 (4) To recommend to local commissioners rules and
12 regulations, not inconsistent with the law, for the
13 distribution and sale of alcoholic liquors throughout the
14 State.

15 (5) To inspect, or cause to be inspected, any premises
16 in this State where alcoholic liquors are manufactured,
17 distributed, warehoused, or sold. Nothing in this Act
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19 areas within the premises without reasonable suspicion or a
20 warrant during an inspection. "Private areas" include, but
21 are not limited to, safes, personal property, and closed
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24 knowledge that any person is engaged in business as a
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6 shipping alcoholic liquor into this State from a point
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15 complaint, and shall state with specificity the facts in
16 relation to the alleged violation. If the Commission has
17 reasonable grounds to believe that the complaint
18 substantially alleges a violation of this Act or rules and
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21 the Commission is satisfied that the alleged violation did
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9 and prescribe the manner in which such accounts shall be
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14 other distribution of earnings or assets, and any other
15 forms, records and memoranda which in the judgment of the
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26 in whole or in part, any uniform system of accounts, or the

1 form and manner of keeping accounts.

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3 by the commission, to appoint, at the commission's
4 discretion, hearing officers to conduct hearings involving
5 complex issues or issues that will require a protracted
6 period of time to resolve, to examine, or cause to be
7 examined, under oath, any licensee, and to examine or cause
8 to be examined the books and records of such licensee; to
9 hear testimony and take proof material for its information
10 in the discharge of its duties hereunder; to administer or
11 cause to be administered oaths; for any such purpose to
12 issue subpoena or subpoenas to require the attendance of
13 witnesses and the production of books, which shall be
14 effective in any part of this State, and to adopt rules to
15 implement its powers under this paragraph (8).

16 Any Circuit Court may by order duly entered, require
17 the attendance of witnesses and the production of relevant
18 books subpoenaed by the State commission and the court may
19 compel obedience to its order by proceedings for contempt.

20 (9) To investigate the administration of laws in
21 relation to alcoholic liquors in this and other states and
22 any foreign countries, and to recommend from time to time
23 to the Governor and through him or her to the legislature
24 of this State, such amendments to this Act, if any, as it
25 may think desirable and as will serve to further the
26 general broad purposes contained in Section 1-2 hereof.

1 (10) To adopt such rules and regulations consistent
2 with the provisions of this Act which shall be necessary
3 for the control, sale or disposition of alcoholic liquor
4 damaged as a result of an accident, wreck, flood, fire or
5 other similar occurrence.

6 (11) To develop industry educational programs related
7 to responsible serving and selling, particularly in the
8 areas of overserving consumers and illegal underage
9 purchasing and consumption of alcoholic beverages.

10 (11.1) To license persons providing education and
11 training to alcohol beverage sellers and servers for
12 mandatory and non-mandatory training under the Beverage
13 Alcohol Sellers and Servers Education and Training
14 (BASSET) programs and to develop and administer a public
15 awareness program in Illinois to reduce or eliminate the
16 illegal purchase and consumption of alcoholic beverage
17 products by persons under the age of 21. Application for a
18 license shall be made on forms provided by the State
19 Commission.

20 (12) To develop and maintain a repository of license
21 and regulatory information.

22 (13) On or before January 15, 1994, the Commission
23 shall issue a written report to the Governor and General
24 Assembly that is to be based on a comprehensive study of
25 the impact on and implications for the State of Illinois of
26 Section 1926 of the Federal ADAMHA Reorganization Act of

1 1992 (Public Law 102-321). This study shall address the
2 extent to which Illinois currently complies with the
3 provisions of P.L. 102-321 and the rules promulgated
4 pursuant thereto.

5 As part of its report, the Commission shall provide the
6 following essential information:

7 (i) the number of retail distributors of tobacco
8 products, by type and geographic area, in the State;

9 (ii) the number of reported citations and
10 successful convictions, categorized by type and
11 location of retail distributor, for violation of the
12 Prevention of Tobacco Use by Minors and Sale and
13 Distribution of Tobacco Products Act and the Smokeless
14 Tobacco Limitation Act;

15 (iii) the extent and nature of organized
16 educational and governmental activities that are
17 intended to promote, encourage or otherwise secure
18 compliance with any Illinois laws that prohibit the
19 sale or distribution of tobacco products to minors; and

20 (iv) the level of access and availability of
21 tobacco products to individuals under the age of 18.

22 To obtain the data necessary to comply with the
23 provisions of P.L. 102-321 and the requirements of this
24 report, the Commission shall conduct random, unannounced
25 inspections of a geographically and scientifically
26 representative sample of the State's retail tobacco

1 distributors.

2 The Commission shall consult with the Department of
3 Public Health, the Department of Human Services, the
4 Illinois State Police and any other executive branch
5 agency, and private organizations that may have
6 information relevant to this report.

7 The Commission may contract with the Food and Drug
8 Administration of the U.S. Department of Health and Human
9 Services to conduct unannounced investigations of Illinois
10 tobacco vendors to determine compliance with federal laws
11 relating to the illegal sale of cigarettes and smokeless
12 tobacco products to persons under the age of 18.

13 (14) On or before April 30, 2008 and every 2 years
14 thereafter, the Commission shall present a written report
15 to the Governor and the General Assembly that shall be
16 based on a study of the impact of this amendatory Act of
17 the 95th General Assembly on the business of soliciting,
18 selling, and shipping wine from inside and outside of this
19 State directly to residents of this State. As part of its
20 report, the Commission shall provide all of the following
21 information:

22 (A) The amount of State excise and sales tax
23 revenues generated.

24 (B) The amount of licensing fees received.

25 (C) The number of cases of wine shipped from inside
26 and outside of this State directly to residents of this

1 State.

2 (D) The number of alcohol compliance operations
3 conducted.

4 (E) The number of winery shipper's licenses
5 issued.

6 (F) The number of each of the following: reported
7 violations; cease and desist notices issued by the
8 Commission; notices of violations issued by the
9 Commission and to the Department of Revenue; and
10 notices and complaints of violations to law
11 enforcement officials, including, without limitation,
12 the Illinois Attorney General and the U.S. Department
13 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

14 (15) As a means to reduce the underage consumption of
15 alcoholic liquors, the Commission shall conduct alcohol
16 compliance operations to investigate whether businesses
17 that are soliciting, selling, and shipping wine from inside
18 or outside of this State directly to residents of this
19 State are licensed by this State or are selling or
20 attempting to sell wine to persons under 21 years of age in
21 violation of this Act.

22 (16) The Commission shall, in addition to notifying any
23 appropriate law enforcement agency, submit notices of
24 complaints or violations of Sections 6-29 and 6-29.1 by
25 persons who do not hold a winery shipper's license under
26 this amendatory Act to the Illinois Attorney General and to

1 the U.S. Department of Treasury's Alcohol and Tobacco Tax
2 and Trade Bureau.

3 (17) (A) A person licensed to make wine under the laws
4 of another state who has a winery shipper's license under
5 this amendatory Act and annually produces less than 25,000
6 gallons of wine or a person who has a first-class or
7 second-class wine manufacturer's license, a first-class or
8 second-class wine-maker's license, or a limited wine
9 manufacturer's license under this Act and annually
10 produces less than 25,000 gallons of wine may make
11 application to the Commission for a self-distribution
12 exemption to allow the sale of not more than 5,000 gallons
13 of the exemption holder's wine to retail licensees per
14 year.

15 (B) In the application, which shall be sworn under
16 penalty of perjury, such person shall state (1) the
17 date it was established; (2) its volume of production
18 and sales for each year since its establishment; (3)
19 its efforts to establish distributor relationships;
20 (4) that a self-distribution exemption is necessary to
21 facilitate the marketing of its wine; and (5) that it
22 will comply with the liquor and revenue laws of the
23 United States, this State, and any other state where it
24 is licensed.

25 (C) The Commission shall approve the application
26 for a self-distribution exemption if such person: (1)

1 is in compliance with State revenue and liquor laws;
2 (2) is not a member of any affiliated group that
3 produces more than 25,000 gallons of wine per annum or
4 produces any other alcoholic liquor; (3) will not
5 annually produce for sale more than 25,000 gallons of
6 wine; and (4) will not annually sell more than 5,000
7 gallons of its wine to retail licensees.

8 (D) A self-distribution exemption holder shall
9 annually certify to the Commission its production of
10 wine in the previous 12 months and its anticipated
11 production and sales for the next 12 months. The
12 Commission may fine, suspend, or revoke a
13 self-distribution exemption after a hearing if it
14 finds that the exemption holder has made a material
15 misrepresentation in its application, violated a
16 revenue or liquor law of Illinois, exceeded production
17 of 25,000 gallons of wine in any calendar year, or
18 become part of an affiliated group producing more than
19 25,000 gallons of wine or any other alcoholic liquor.

20 (E) Except in hearings for violations of this Act
21 or amendatory Act or a bona fide investigation by duly
22 sworn law enforcement officials, the Commission, or
23 its agents, the Commission shall maintain the
24 production and sales information of a
25 self-distribution exemption holder as confidential and
26 shall not release such information to any person.

1 (F) The Commission shall issue regulations
2 governing self-distribution exemptions consistent with
3 this Section and this Act.

4 (G) Nothing in this subsection (17) shall prohibit
5 a self-distribution exemption holder from entering
6 into or simultaneously having a distribution agreement
7 with a licensed Illinois distributor.

8 (H) It is the intent of this subsection (17) to
9 promote and continue orderly markets. The General
10 Assembly finds that in order to preserve Illinois'
11 regulatory distribution system it is necessary to
12 create an exception for smaller makers of wine as their
13 wines are frequently adjusted in varietals, mixes,
14 vintages, and taste to find and create market niches
15 sometimes too small for distributor or importing
16 distributor business strategies. Limited
17 self-distribution rights will afford and allow smaller
18 makers of wine access to the marketplace in order to
19 develop a customer base without impairing the
20 integrity of the 3-tier system.

21 (18) (A) A class 1 ~~craft~~ brewer licensee, who must also
22 be either a licensed brewer or licensed non-resident dealer
23 and annually manufacture less than 930,000 gallons of beer,
24 may make application to the State Commission for a
25 self-distribution exemption to allow the sale of not more
26 than 232,500 gallons of the exemption holder's beer to

1 retail licensees per year.

2 (B) In the application, which shall be sworn under
3 penalty of perjury, the class 1 ~~craft~~ brewer licensee
4 shall state (1) the date it was established; (2) its
5 volume of beer manufactured and sold for each year
6 since its establishment; (3) its efforts to establish
7 distributor relationships; (4) that a
8 self-distribution exemption is necessary to facilitate
9 the marketing of its beer; and (5) that it will comply
10 with the alcoholic beverage and revenue laws of the
11 United States, this State, and any other state where it
12 is licensed.

13 (C) Any application submitted shall be posted on
14 the State Commission's website at least 45 days prior
15 to action by the State Commission. The State Commission
16 shall approve the application for a self-distribution
17 exemption if the class 1 ~~craft~~ brewer licensee: (1) is
18 in compliance with the State, revenue, and alcoholic
19 beverage laws; (2) is not a member of any affiliated
20 group that manufactures more than 930,000 gallons of
21 beer per annum or produces any other alcoholic
22 beverages; (3) shall not annually manufacture for sale
23 more than 930,000 gallons of beer; ~~and~~ (4) shall not
24 annually sell more than 232,500 gallons of its beer to
25 retail licensees; and (5) has relinquished any brew pub
26 license held by the licensee, including any ownership

1 interest it held in the licensed brew pub.

2 (D) A self-distribution exemption holder shall
3 annually certify to the State Commission its
4 manufacture of beer during the previous 12 months and
5 its anticipated manufacture and sales of beer for the
6 next 12 months. The State Commission may fine, suspend,
7 or revoke a self-distribution exemption after a
8 hearing if it finds that the exemption holder has made
9 a material misrepresentation in its application,
10 violated a revenue or alcoholic beverage law of
11 Illinois, exceeded the manufacture of 930,000 gallons
12 of beer in any calendar year or became part of an
13 affiliated group manufacturing more than 930,000
14 gallons of beer or any other alcoholic beverage.

15 (E) The State Commission shall issue rules and
16 regulations governing self-distribution exemptions
17 consistent with this Act.

18 (F) Nothing in this paragraph (18) shall prohibit a
19 self-distribution exemption holder from entering into
20 or simultaneously having a distribution agreement with
21 a licensed Illinois importing distributor or a
22 distributor. If a self-distribution exemption holder
23 enters into a distribution agreement and has assigned
24 distribution rights to an importing distributor or
25 distributor, then the self-distribution exemption
26 holder's distribution rights in the assigned

1 territories shall cease in a reasonable time not to
2 exceed 60 days.

3 (G) It is the intent of this paragraph (18) to
4 promote and continue orderly markets. The General
5 Assembly finds that in order to preserve Illinois'
6 regulatory distribution system, it is necessary to
7 create an exception for smaller manufacturers in order
8 to afford and allow such smaller manufacturers of beer
9 access to the marketplace in order to develop a
10 customer base without impairing the integrity of the
11 3-tier system.

12 (b) On or before April 30, 1999, the Commission shall
13 present a written report to the Governor and the General
14 Assembly that shall be based on a study of the impact of this
15 amendatory Act of 1998 on the business of soliciting, selling,
16 and shipping alcoholic liquor from outside of this State
17 directly to residents of this State.

18 As part of its report, the Commission shall provide the
19 following information:

20 (i) the amount of State excise and sales tax revenues
21 generated as a result of this amendatory Act of 1998;

22 (ii) the amount of licensing fees received as a result
23 of this amendatory Act of 1998;

24 (iii) the number of reported violations, the number of
25 cease and desist notices issued by the Commission, the
26 number of notices of violations issued to the Department of

1 Revenue, and the number of notices and complaints of
2 violations to law enforcement officials.

3 (Source: P.A. 97-5, eff. 6-1-11; 98-401, eff. 8-16-13; 98-939,
4 eff. 7-1-15; 98-941, eff. 1-1-15; revised 10-6-14.)

5 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

6 Sec. 5-1. Licenses issued by the Illinois Liquor Control
7 Commission shall be of the following classes:

8 (a) Manufacturer's license - Class 1. Distiller, Class 2.
9 Rectifier, Class 3. Brewer, Class 4. First Class Wine
10 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
11 First Class Winemaker, Class 7. Second Class Winemaker, Class
12 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
13 10. Class 1 ~~Craft~~ Brewer, Class 11. Class 2 Brewer,

14 (b) Distributor's license,

15 (c) Importing Distributor's license,

16 (d) Retailer's license,

17 (e) Special Event Retailer's license (not-for-profit),

18 (f) Railroad license,

19 (g) Boat license,

20 (h) Non-Beverage User's license,

21 (i) Wine-maker's premises license,

22 (j) Airplane license,

23 (k) Foreign importer's license,

24 (l) Broker's license,

25 (m) Non-resident dealer's license,

- 1 (n) Brew Pub license,
- 2 (o) Auction liquor license,
- 3 (p) Caterer retailer license,
- 4 (q) Special use permit license,
- 5 (r) Winery shipper's license.

6 No person, firm, partnership, corporation, or other legal
7 business entity that is engaged in the manufacturing of wine
8 may concurrently obtain and hold a wine-maker's license and a
9 wine manufacturer's license.

10 (a) A manufacturer's license shall allow the manufacture,
11 importation in bulk, storage, distribution and sale of
12 alcoholic liquor to persons without the State, as may be
13 permitted by law and to licensees in this State as follows:

14 Class 1. A Distiller may make sales and deliveries of
15 alcoholic liquor to distillers, rectifiers, importing
16 distributors, distributors and non-beverage users and to no
17 other licensees.

18 Class 2. A Rectifier, who is not a distiller, as defined
19 herein, may make sales and deliveries of alcoholic liquor to
20 rectifiers, importing distributors, distributors, retailers
21 and non-beverage users and to no other licensees.

22 Class 3. A Brewer may make sales and deliveries of beer to
23 importing distributors and distributors and may make sales as
24 authorized under subsection (e) of Section 6-4 of this Act.

25 Class 4. A first class wine-manufacturer may make sales and
26 deliveries of up to 50,000 gallons of wine to manufacturers,

1 importing distributors and distributors, and to no other
2 licensees.

3 Class 5. A second class Wine manufacturer may make sales
4 and deliveries of more than 50,000 gallons of wine to
5 manufacturers, importing distributors and distributors and to
6 no other licensees.

7 Class 6. A first-class wine-maker's license shall allow the
8 manufacture of up to 50,000 gallons of wine per year, and the
9 storage and sale of such wine to distributors in the State and
10 to persons without the State, as may be permitted by law. A
11 person who, prior to the effective date of this amendatory Act
12 of the 95th General Assembly, is a holder of a first-class
13 wine-maker's license and annually produces more than 25,000
14 gallons of its own wine and who distributes its wine to
15 licensed retailers shall cease this practice on or before July
16 1, 2008 in compliance with this amendatory Act of the 95th
17 General Assembly.

18 Class 7. A second-class wine-maker's license shall allow
19 the manufacture of between 50,000 and 150,000 gallons of wine
20 per year, and the storage and sale of such wine to distributors
21 in this State and to persons without the State, as may be
22 permitted by law. A person who, prior to the effective date of
23 this amendatory Act of the 95th General Assembly, is a holder
24 of a second-class wine-maker's license and annually produces
25 more than 25,000 gallons of its own wine and who distributes
26 its wine to licensed retailers shall cease this practice on or

1 before July 1, 2008 in compliance with this amendatory Act of
2 the 95th General Assembly.

3 Class 8. A limited wine-manufacturer may make sales and
4 deliveries not to exceed 40,000 gallons of wine per year to
5 distributors, and to non-licensees in accordance with the
6 provisions of this Act.

7 Class 9. A craft distiller license shall allow the
8 manufacture of up to 30,000 gallons of spirits by distillation
9 for one year after the effective date of this amendatory Act of
10 the 97th General Assembly and up to 35,000 gallons of spirits
11 by distillation per year thereafter and the storage of such
12 spirits. If a craft distiller licensee is not affiliated with
13 any other manufacturer, then the craft distiller licensee may
14 sell such spirits to distributors in this State and up to 2,500
15 gallons of such spirits to non-licensees to the extent
16 permitted by any exemption approved by the Commission pursuant
17 to Section 6-4 of this Act.

18 Any craft distiller licensed under this Act who on the
19 effective date of this amendatory Act of the 96th General
20 Assembly was licensed as a distiller and manufactured no more
21 spirits than permitted by this Section shall not be required to
22 pay the initial licensing fee.

23 Class 10. A class 1 brewer ~~craft brewer's~~ license, which
24 may only be issued to a licensed brewer or licensed
25 non-resident dealer, shall allow the manufacture of up to
26 930,000 gallons of beer per year provided that the class 1

1 brewer licensee does not manufacture more than a combined
2 930,000 gallons of beer per year and is not a member of or
3 affiliated with, directly or indirectly, a manufacturer that
4 produces more than 930,000 gallons of beer per year or any
5 other alcoholic liquor. A class 1 ~~craft~~ brewer licensee may
6 make sales and deliveries to importing distributors and
7 distributors and to retail licensees in accordance with the
8 conditions set forth in paragraph (18) of subsection (a) of
9 Section 3-12 of this Act.

10 Class 11. A class 2 brewer license, which may only be
11 issued to a licensed brewer or licensed non-resident dealer,
12 shall allow the manufacture of up to 3,720,000 gallons of beer
13 per year provided that the class 2 brewer licensee does not
14 manufacture more than a combined 3,720,000 gallons of beer per
15 year and is not a member of or affiliated with, directly or
16 indirectly, a manufacturer that produces more than 3,720,000
17 gallons of beer per year or any other alcoholic liquor. A class
18 2 brewer licensee may make sales and deliveries to importing
19 distributors and distributors, but shall not make sales or
20 deliveries to any other licensee. If the State Commission
21 provides prior approval, a class 2 brewer licensee may annually
22 transfer up to 3,720,000 gallons of beer manufactured by that
23 class 2 brewer licensee to the premises of a licensed class 2
24 brewer wholly owned and operated by the same licensee.

25 (a-1) A manufacturer which is licensed in this State to
26 make sales or deliveries of alcoholic liquor to licensed

1 distributors or importing distributors and which enlists
2 agents, representatives, or individuals acting on its behalf
3 who contact licensed retailers on a regular and continual basis
4 in this State must register those agents, representatives, or
5 persons acting on its behalf with the State Commission.

6 Registration of agents, representatives, or persons acting
7 on behalf of a manufacturer is fulfilled by submitting a form
8 to the Commission. The form shall be developed by the
9 Commission and shall include the name and address of the
10 applicant, the name and address of the manufacturer he or she
11 represents, the territory or areas assigned to sell to or
12 discuss pricing terms of alcoholic liquor, and any other
13 questions deemed appropriate and necessary. All statements in
14 the forms required to be made by law or by rule shall be deemed
15 material, and any person who knowingly misstates any material
16 fact under oath in an application is guilty of a Class B
17 misdemeanor. Fraud, misrepresentation, false statements,
18 misleading statements, evasions, or suppression of material
19 facts in the securing of a registration are grounds for
20 suspension or revocation of the registration. The State
21 Commission shall post a list of registered agents on the
22 Commission's website.

23 (b) A distributor's license shall allow the wholesale
24 purchase and storage of alcoholic liquors and sale of alcoholic
25 liquors to licensees in this State and to persons without the
26 State, as may be permitted by law.

1 (c) An importing distributor's license may be issued to and
2 held by those only who are duly licensed distributors, upon the
3 filing of an application by a duly licensed distributor, with
4 the Commission and the Commission shall, without the payment of
5 any fee, immediately issue such importing distributor's
6 license to the applicant, which shall allow the importation of
7 alcoholic liquor by the licensee into this State from any point
8 in the United States outside this State, and the purchase of
9 alcoholic liquor in barrels, casks or other bulk containers and
10 the bottling of such alcoholic liquors before resale thereof,
11 but all bottles or containers so filled shall be sealed,
12 labeled, stamped and otherwise made to comply with all
13 provisions, rules and regulations governing manufacturers in
14 the preparation and bottling of alcoholic liquors. The
15 importing distributor's license shall permit such licensee to
16 purchase alcoholic liquor from Illinois licensed non-resident
17 dealers and foreign importers only.

18 (d) A retailer's license shall allow the licensee to sell
19 and offer for sale at retail, only in the premises specified in
20 the license, alcoholic liquor for use or consumption, but not
21 for resale in any form. Nothing in this amendatory Act of the
22 95th General Assembly shall deny, limit, remove, or restrict
23 the ability of a holder of a retailer's license to transfer,
24 deliver, or ship alcoholic liquor to the purchaser for use or
25 consumption subject to any applicable local law or ordinance.
26 Any retail license issued to a manufacturer shall only permit

1 the manufacturer to sell beer at retail on the premises
2 actually occupied by the manufacturer. For the purpose of
3 further describing the type of business conducted at a retail
4 licensed premises, a retailer's licensee may be designated by
5 the State Commission as (i) an on premise consumption retailer,
6 (ii) an off premise sale retailer, or (iii) a combined on
7 premise consumption and off premise sale retailer.

8 Notwithstanding any other provision of this subsection
9 (d), a retail licensee may sell alcoholic liquors to a special
10 event retailer licensee for resale to the extent permitted
11 under subsection (e).

12 (e) A special event retailer's license (not-for-profit)
13 shall permit the licensee to purchase alcoholic liquors from an
14 Illinois licensed distributor (unless the licensee purchases
15 less than \$500 of alcoholic liquors for the special event, in
16 which case the licensee may purchase the alcoholic liquors from
17 a licensed retailer) and shall allow the licensee to sell and
18 offer for sale, at retail, alcoholic liquors for use or
19 consumption, but not for resale in any form and only at the
20 location and on the specific dates designated for the special
21 event in the license. An applicant for a special event retailer
22 license must (i) furnish with the application: (A) a resale
23 number issued under Section 2c of the Retailers' Occupation Tax
24 Act or evidence that the applicant is registered under Section
25 2a of the Retailers' Occupation Tax Act, (B) a current, valid
26 exemption identification number issued under Section 1g of the

1 Retailers' Occupation Tax Act, and a certification to the
2 Commission that the purchase of alcoholic liquors will be a
3 tax-exempt purchase, or (C) a statement that the applicant is
4 not registered under Section 2a of the Retailers' Occupation
5 Tax Act, does not hold a resale number under Section 2c of the
6 Retailers' Occupation Tax Act, and does not hold an exemption
7 number under Section 1g of the Retailers' Occupation Tax Act,
8 in which event the Commission shall set forth on the special
9 event retailer's license a statement to that effect; (ii)
10 submit with the application proof satisfactory to the State
11 Commission that the applicant will provide dram shop liability
12 insurance in the maximum limits; and (iii) show proof
13 satisfactory to the State Commission that the applicant has
14 obtained local authority approval.

15 (f) A railroad license shall permit the licensee to import
16 alcoholic liquors into this State from any point in the United
17 States outside this State and to store such alcoholic liquors
18 in this State; to make wholesale purchases of alcoholic liquors
19 directly from manufacturers, foreign importers, distributors
20 and importing distributors from within or outside this State;
21 and to store such alcoholic liquors in this State; provided
22 that the above powers may be exercised only in connection with
23 the importation, purchase or storage of alcoholic liquors to be
24 sold or dispensed on a club, buffet, lounge or dining car
25 operated on an electric, gas or steam railway in this State;
26 and provided further, that railroad licensees exercising the

1 above powers shall be subject to all provisions of Article VIII
 2 of this Act as applied to importing distributors. A railroad
 3 license shall also permit the licensee to sell or dispense
 4 alcoholic liquors on any club, buffet, lounge or dining car
 5 operated on an electric, gas or steam railway regularly
 6 operated by a common carrier in this State, but shall not
 7 permit the sale for resale of any alcoholic liquors to any
 8 licensee within this State. A license shall be obtained for
 9 each car in which such sales are made.

10 (g) A boat license shall allow the sale of alcoholic liquor
 11 in individual drinks, on any passenger boat regularly operated
 12 as a common carrier on navigable waters in this State or on any
 13 riverboat operated under the Riverboat Gambling Act, which boat
 14 or riverboat maintains a public dining room or restaurant
 15 thereon.

16 (h) A non-beverage user's license shall allow the licensee
 17 to purchase alcoholic liquor from a licensed manufacturer or
 18 importing distributor, without the imposition of any tax upon
 19 the business of such licensed manufacturer or importing
 20 distributor as to such alcoholic liquor to be used by such
 21 licensee solely for the non-beverage purposes set forth in
 22 subsection (a) of Section 8-1 of this Act, and such licenses
 23 shall be divided and classified and shall permit the purchase,
 24 possession and use of limited and stated quantities of
 25 alcoholic liquor as follows:

26 Class 1, not to exceed 500 gallons

- 1 Class 2, not to exceed 1,000 gallons
- 2 Class 3, not to exceed 5,000 gallons
- 3 Class 4, not to exceed 10,000 gallons
- 4 Class 5, not to exceed 50,000 gallons

5 (i) A wine-maker's premises license shall allow a licensee
6 that concurrently holds a first-class wine-maker's license to
7 sell and offer for sale at retail in the premises specified in
8 such license not more than 50,000 gallons of the first-class
9 wine-maker's wine that is made at the first-class wine-maker's
10 licensed premises per year for use or consumption, but not for
11 resale in any form. A wine-maker's premises license shall allow
12 a licensee who concurrently holds a second-class wine-maker's
13 license to sell and offer for sale at retail in the premises
14 specified in such license up to 100,000 gallons of the
15 second-class wine-maker's wine that is made at the second-class
16 wine-maker's licensed premises per year for use or consumption
17 but not for resale in any form. A wine-maker's premises license
18 shall allow a licensee that concurrently holds a first-class
19 wine-maker's license or a second-class wine-maker's license to
20 sell and offer for sale at retail at the premises specified in
21 the wine-maker's premises license, for use or consumption but
22 not for resale in any form, any beer, wine, and spirits
23 purchased from a licensed distributor. Upon approval from the
24 State Commission, a wine-maker's premises license shall allow
25 the licensee to sell and offer for sale at (i) the wine-maker's
26 licensed premises and (ii) at up to 2 additional locations for

1 use and consumption and not for resale. Each location shall
2 require additional licensing per location as specified in
3 Section 5-3 of this Act. A wine-maker's premises licensee shall
4 secure liquor liability insurance coverage in an amount at
5 least equal to the maximum liability amounts set forth in
6 subsection (a) of Section 6-21 of this Act.

7 (j) An airplane license shall permit the licensee to import
8 alcoholic liquors into this State from any point in the United
9 States outside this State and to store such alcoholic liquors
10 in this State; to make wholesale purchases of alcoholic liquors
11 directly from manufacturers, foreign importers, distributors
12 and importing distributors from within or outside this State;
13 and to store such alcoholic liquors in this State; provided
14 that the above powers may be exercised only in connection with
15 the importation, purchase or storage of alcoholic liquors to be
16 sold or dispensed on an airplane; and provided further, that
17 airplane licensees exercising the above powers shall be subject
18 to all provisions of Article VIII of this Act as applied to
19 importing distributors. An airplane licensee shall also permit
20 the sale or dispensing of alcoholic liquors on any passenger
21 airplane regularly operated by a common carrier in this State,
22 but shall not permit the sale for resale of any alcoholic
23 liquors to any licensee within this State. A single airplane
24 license shall be required of an airline company if liquor
25 service is provided on board aircraft in this State. The annual
26 fee for such license shall be as determined in Section 5-3.

1 (k) A foreign importer's license shall permit such licensee
2 to purchase alcoholic liquor from Illinois licensed
3 non-resident dealers only, and to import alcoholic liquor other
4 than in bulk from any point outside the United States and to
5 sell such alcoholic liquor to Illinois licensed importing
6 distributors and to no one else in Illinois; provided that (i)
7 the foreign importer registers with the State Commission every
8 brand of alcoholic liquor that it proposes to sell to Illinois
9 licensees during the license period, (ii) the foreign importer
10 complies with all of the provisions of Section 6-9 of this Act
11 with respect to registration of such Illinois licensees as may
12 be granted the right to sell such brands at wholesale, and
13 (iii) the foreign importer complies with the provisions of
14 Sections 6-5 and 6-6 of this Act to the same extent that these
15 provisions apply to manufacturers.

16 (l) (i) A broker's license shall be required of all persons
17 who solicit orders for, offer to sell or offer to supply
18 alcoholic liquor to retailers in the State of Illinois, or who
19 offer to retailers to ship or cause to be shipped or to make
20 contact with distillers, rectifiers, brewers or manufacturers
21 or any other party within or without the State of Illinois in
22 order that alcoholic liquors be shipped to a distributor,
23 importing distributor or foreign importer, whether such
24 solicitation or offer is consummated within or without the
25 State of Illinois.

26 No holder of a retailer's license issued by the Illinois

1 Liquor Control Commission shall purchase or receive any
2 alcoholic liquor, the order for which was solicited or offered
3 for sale to such retailer by a broker unless the broker is the
4 holder of a valid broker's license.

5 The broker shall, upon the acceptance by a retailer of the
6 broker's solicitation of an order or offer to sell or supply or
7 deliver or have delivered alcoholic liquors, promptly forward
8 to the Illinois Liquor Control Commission a notification of
9 said transaction in such form as the Commission may by
10 regulations prescribe.

11 (ii) A broker's license shall be required of a person
12 within this State, other than a retail licensee, who, for a fee
13 or commission, promotes, solicits, or accepts orders for
14 alcoholic liquor, for use or consumption and not for resale, to
15 be shipped from this State and delivered to residents outside
16 of this State by an express company, common carrier, or
17 contract carrier. This Section does not apply to any person who
18 promotes, solicits, or accepts orders for wine as specifically
19 authorized in Section 6-29 of this Act.

20 A broker's license under this subsection (1) shall not
21 entitle the holder to buy or sell any alcoholic liquors for his
22 own account or to take or deliver title to such alcoholic
23 liquors.

24 This subsection (1) shall not apply to distributors,
25 employees of distributors, or employees of a manufacturer who
26 has registered the trademark, brand or name of the alcoholic

1 liquor pursuant to Section 6-9 of this Act, and who regularly
2 sells such alcoholic liquor in the State of Illinois only to
3 its registrants thereunder.

4 Any agent, representative, or person subject to
5 registration pursuant to subsection (a-1) of this Section shall
6 not be eligible to receive a broker's license.

7 (m) A non-resident dealer's license shall permit such
8 licensee to ship into and warehouse alcoholic liquor into this
9 State from any point outside of this State, and to sell such
10 alcoholic liquor to Illinois licensed foreign importers and
11 importing distributors and to no one else in this State;
12 provided that (i) said non-resident dealer shall register with
13 the Illinois Liquor Control Commission each and every brand of
14 alcoholic liquor which it proposes to sell to Illinois
15 licensees during the license period, (ii) it shall comply with
16 all of the provisions of Section 6-9 hereof with respect to
17 registration of such Illinois licensees as may be granted the
18 right to sell such brands at wholesale, and (iii) the
19 non-resident dealer shall comply with the provisions of
20 Sections 6-5 and 6-6 of this Act to the same extent that these
21 provisions apply to manufacturers.

22 (n) A brew pub license shall allow the licensee to only (i)
23 ~~to~~ manufacture up to 155,000 gallons of beer per year only on
24 the premises specified in the license, (ii) ~~to~~ make sales of
25 the beer manufactured on the premises or, with the approval of
26 the Commission, beer manufactured on another brew pub licensed

1 premises that is wholly ~~substantially~~ owned and operated by the
2 same licensee to importing distributors, distributors, and to
3 non-licensees for use and consumption, (iii) ~~to~~ store the beer
4 upon the premises, ~~and~~ (iv) ~~to~~ sell and offer for sale at
5 retail from the licensed premises, ~~provided that a brew pub~~
6 ~~licensee shall not sell~~ for off-premises consumption no more
7 than 155,000 ~~50,000~~ gallons per year so long as such sales are
8 only made in-person, (v) sell and offer for sale at retail for
9 use and consumption on the premises specified in the license
10 any form of alcoholic liquor purchased from a licensed
11 distributor or importing distributor, and (vi) with the prior
12 approval of the Commission, annually transfer no more than
13 155,000 gallons of beer manufactured on the premises to a
14 licensed brew pub wholly owned and operated by the same
15 licensee.

16 A brew pub licensee shall not under any circumstance sell
17 or offer for sale beer manufactured by the brew pub licensee to
18 retail licensees.

19 A person who holds a class 2 brewer license may
20 simultaneously hold a brew pub license if the class 2 brewer
21 (i) does not, under any circumstance, sell or offer for sale
22 beer manufactured by the class 2 brewer to retail licensees;
23 (ii) does not hold more than 3 brew pub licenses in this State;
24 (iii) does not manufacture more than a combined 3,720,000
25 gallons of beer per year, including the beer manufactured at
26 the brew pub; and (iv) is not a member of or affiliated with,

1 directly or indirectly, a manufacturer that produces more than
2 3,720,000 gallons of beer per year or any other alcoholic
3 liquor.

4 Notwithstanding any other provision of this Act, a licensed
5 brewer, class 2 brewer, or non-resident dealer who before July
6 1, 2015 manufactured less than than 3,720,000 gallons of beer
7 per year and held a brew pub license on or before July 1, 2015
8 may (i) continue to qualify for and hold that brew pub license
9 for the licensed premises and (ii) manufacture more than
10 3,720,000 gallons of beer per year and continue to qualify for
11 and hold that brew pub license if that brewer, class 2 brewer,
12 or non-resident dealer does not simultaneously hold a class 1
13 brewer license and is not a member of or affiliated with,
14 directly or indirectly, a manufacturer that produces more than
15 3,720,000 gallons of beer per year or that produces any other
16 alcoholic liquor.

17 ~~A person who holds a brew pub license may simultaneously~~
18 ~~hold a craft brewer license if he or she otherwise qualifies~~
19 ~~for the craft brewer license and the craft brewer license is~~
20 ~~for a location separate from the brew pub's licensed premises.~~
21 ~~A brew pub license shall permit a person who has received prior~~
22 ~~approval from the Commission to annually transfer no more than~~
23 ~~a total of 50,000 gallons of beer manufactured on premises to~~
24 ~~all other licensed brew pubs that are substantially owned and~~
25 ~~operated by the same person.~~

26 (o) A caterer retailer license shall allow the holder to

1 serve alcoholic liquors as an incidental part of a food service
2 that serves prepared meals which excludes the serving of snacks
3 as the primary meal, either on or off-site whether licensed or
4 unlicensed.

5 (p) An auction liquor license shall allow the licensee to
6 sell and offer for sale at auction wine and spirits for use or
7 consumption, or for resale by an Illinois liquor licensee in
8 accordance with provisions of this Act. An auction liquor
9 license will be issued to a person and it will permit the
10 auction liquor licensee to hold the auction anywhere in the
11 State. An auction liquor license must be obtained for each
12 auction at least 14 days in advance of the auction date.

13 (q) A special use permit license shall allow an Illinois
14 licensed retailer to transfer a portion of its alcoholic liquor
15 inventory from its retail licensed premises to the premises
16 specified in the license hereby created, and to sell or offer
17 for sale at retail, only in the premises specified in the
18 license hereby created, the transferred alcoholic liquor for
19 use or consumption, but not for resale in any form. A special
20 use permit license may be granted for the following time
21 periods: one day or less; 2 or more days to a maximum of 15 days
22 per location in any 12 month period. An applicant for the
23 special use permit license must also submit with the
24 application proof satisfactory to the State Commission that the
25 applicant will provide dram shop liability insurance to the
26 maximum limits and have local authority approval.

1 (r) A winery shipper's license shall allow a person with a
2 first-class or second-class wine manufacturer's license, a
3 first-class or second-class wine-maker's license, or a limited
4 wine manufacturer's license or who is licensed to make wine
5 under the laws of another state to ship wine made by that
6 licensee directly to a resident of this State who is 21 years
7 of age or older for that resident's personal use and not for
8 resale. Prior to receiving a winery shipper's license, an
9 applicant for the license must provide the Commission with a
10 true copy of its current license in any state in which it is
11 licensed as a manufacturer of wine. An applicant for a winery
12 shipper's license must also complete an application form that
13 provides any other information the Commission deems necessary.
14 The application form shall include an acknowledgement
15 consenting to the jurisdiction of the Commission, the Illinois
16 Department of Revenue, and the courts of this State concerning
17 the enforcement of this Act and any related laws, rules, and
18 regulations, including authorizing the Department of Revenue
19 and the Commission to conduct audits for the purpose of
20 ensuring compliance with this amendatory Act.

21 A winery shipper licensee must pay to the Department of
22 Revenue the State liquor gallonage tax under Section 8-1 for
23 all wine that is sold by the licensee and shipped to a person
24 in this State. For the purposes of Section 8-1, a winery
25 shipper licensee shall be taxed in the same manner as a
26 manufacturer of wine. A licensee who is not otherwise required

1 to register under the Retailers' Occupation Tax Act must
2 register under the Use Tax Act to collect and remit use tax to
3 the Department of Revenue for all gallons of wine that are sold
4 by the licensee and shipped to persons in this State. If a
5 licensee fails to remit the tax imposed under this Act in
6 accordance with the provisions of Article VIII of this Act, the
7 winery shipper's license shall be revoked in accordance with
8 the provisions of Article VII of this Act. If a licensee fails
9 to properly register and remit tax under the Use Tax Act or the
10 Retailers' Occupation Tax Act for all wine that is sold by the
11 winery shipper and shipped to persons in this State, the winery
12 shipper's license shall be revoked in accordance with the
13 provisions of Article VII of this Act.

14 A winery shipper licensee must collect, maintain, and
15 submit to the Commission on a semi-annual basis the total
16 number of cases per resident of wine shipped to residents of
17 this State. A winery shipper licensed under this subsection (r)
18 must comply with the requirements of Section 6-29 of this
19 amendatory Act.

20 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
21 Section 3-12, the State Commission may receive, respond to, and
22 investigate any complaint and impose any of the remedies
23 specified in paragraph (1) of subsection (a) of Section 3-12.

24 (Source: P.A. 97-5, eff. 6-1-11; 97-455, eff. 8-19-11; 97-813,
25 eff. 7-13-12; 97-1166, eff. 3-1-13; 98-394, eff. 8-16-13;
26 98-401, eff. 8-16-13; 98-756, eff. 7-16-14.)

1 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

2 Sec. 5-3. License fees. Except as otherwise provided
3 herein, at the time application is made to the State Commission
4 for a license of any class, the applicant shall pay to the
5 State Commission the fee hereinafter provided for the kind of
6 license applied for.

7 The fee for licenses issued by the State Commission shall
8 be as follows:

9 For a manufacturer's license:

| | | |
|----|--|-----------|
| 10 | Class 1. Distiller | \$3,600 |
| 11 | Class 2. Rectifier | 3,600 |
| 12 | Class 3. Brewer | 900 |
| 13 | Class 4. First-class Wine Manufacturer | 600 |
| 14 | Class 5. Second-class | |
| 15 | Wine Manufacturer | 1,200 |
| 16 | Class 6. First-class wine-maker | 600 |
| 17 | Class 7. Second-class wine-maker | 1200 |
| 18 | Class 8. Limited Wine Manufacturer | 120 |
| 19 | Class 9. Craft Distiller | 1,800 |
| 20 | Class 10. <u>Class 1</u> Craft Brewer | 25 |
| 21 | <u>Class 11. Class 2 Brewer</u> | <u>25</u> |
| 22 | For a Brew Pub License | 1,050 |
| 23 | For a caterer retailer's license | 200 |
| 24 | For a foreign importer's license | 25 |
| 25 | For an importing distributor's license | 25 |

| | | |
|----|--|-------|
| 1 | For a distributor's license | 270 |
| 2 | For a non-resident dealer's license | |
| 3 | (500,000 gallons or over) | 270 |
| 4 | For a non-resident dealer's license | |
| 5 | (under 500,000 gallons) | 90 |
| 6 | For a wine-maker's premises license | 100 |
| 7 | For a winery shipper's license | |
| 8 | (under 250,000 gallons) | 150 |
| 9 | For a winery shipper's license | |
| 10 | (250,000 or over, but under 500,000 gallons) | 500 |
| 11 | For a winery shipper's license | |
| 12 | (500,000 gallons or over) | 1,000 |
| 13 | For a wine-maker's premises license, | |
| 14 | second location | 350 |
| 15 | For a wine-maker's premises license, | |
| 16 | third location | 350 |
| 17 | For a retailer's license | 500 |
| 18 | For a special event retailer's license, | |
| 19 | (not-for-profit) | 25 |
| 20 | For a special use permit license, | |
| 21 | one day only | 50 |
| 22 | 2 days or more | 100 |
| 23 | For a railroad license | 60 |
| 24 | For a boat license | 180 |
| 25 | For an airplane license, times the | |
| 26 | licensee's maximum number of aircraft | |

1 in flight, serving liquor over the

2 State at any given time, which either

3 originate, terminate, or make

4 an intermediate stop in the State 60

5 For a non-beverage user's license:

6 Class 1 24

7 Class 2 60

8 Class 3 120

9 Class 4 240

10 Class 5 600

11 For a broker's license 600

12 For an auction liquor license 50

13 For a homebrewer special event permit 25

14 Fees collected under this Section shall be paid into the

15 Dram Shop Fund. On and after July 1, 2003, of the funds

16 received for a retailer's license, in addition to the first

17 \$175, an additional \$75 shall be paid into the Dram Shop Fund,

18 and \$250 shall be paid into the General Revenue Fund. Beginning

19 June 30, 1990 and on June 30 of each subsequent year through

20 June 29, 2003, any balance over \$5,000,000 remaining in the

21 Dram Shop Fund shall be credited to State liquor licensees and

22 applied against their fees for State liquor licenses for the

23 following year. The amount credited to each licensee shall be a

24 proportion of the balance in the Dram Fund that is the same as

25 the proportion of the license fee paid by the licensee under

26 this Section for the period in which the balance was

1 accumulated to the aggregate fees paid by all licensees during
2 that period.

3 No fee shall be paid for licenses issued by the State
4 Commission to the following non-beverage users:

5 (a) Hospitals, sanitariums, or clinics when their use
6 of alcoholic liquor is exclusively medicinal, mechanical
7 or scientific.

8 (b) Universities, colleges of learning or schools when
9 their use of alcoholic liquor is exclusively medicinal,
10 mechanical or scientific.

11 (c) Laboratories when their use is exclusively for the
12 purpose of scientific research.

13 (Source: P.A. 97-5, eff. 6-1-11; 98-55, eff. 7-5-13.)

14 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

15 Sec. 6-4. (a) No person licensed by any licensing authority
16 as a distiller, or a wine manufacturer, or any subsidiary or
17 affiliate thereof, or any officer, associate, member, partner,
18 representative, employee, agent or shareholder owning more
19 than 5% of the outstanding shares of such person shall be
20 issued an importing distributor's or distributor's license,
21 nor shall any person licensed by any licensing authority as an
22 importing distributor, distributor or retailer, or any
23 subsidiary or affiliate thereof, or any officer or associate,
24 member, partner, representative, employee, agent or
25 shareholder owning more than 5% of the outstanding shares of

1 such person be issued a distiller's license or a wine
2 manufacturer's license; and no person or persons licensed as a
3 distiller by any licensing authority shall have any interest,
4 directly or indirectly, with such distributor or importing
5 distributor.

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

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

23 (c) Provided, however, that in such instances where a
24 distributor's or importing distributor's license has been
25 issued to any distiller or wine manufacturer or to any
26 subsidiary or affiliate of any distiller or wine manufacturer

1 who has, during the licensing period ending June 30, 1947, sold
2 or distributed as such licensed distributor or importing
3 distributor alcoholic liquors and wines to retailers, such
4 distiller or wine manufacturer or any subsidiary or affiliate
5 of any distiller or wine manufacturer holding such
6 distributor's or importing distributor's license may continue
7 to sell or distribute to retailers such alcoholic liquors and
8 wines which are manufactured, distilled, processed or marketed
9 by distillers and wine manufacturers whose products it sold or
10 distributed to retailers during the whole or any part of its
11 licensing periods; and such additional brands and additional
12 products may be added to the line of such distributor or
13 importing distributor, provided, that such brands and such
14 products were not sold or distributed by any distributor or
15 importing distributor licensed by the State Commission during
16 the licensing period ending June 30, 1947, but can not sell or
17 distribute to retailers any other alcoholic liquors or wines.

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

1 distiller, or subsidiaries or affiliates of such distiller.

2 (e) Any person ~~having been~~ licensed as a brewer, class 1
3 brewer, or class 2 brewer manufacturer shall be permitted to
4 sell on the licensed premises to non-licensees for on or
5 off-premises consumption for the premises ~~receive one~~
6 ~~retailer's license for the premises~~ in which he or she actually
7 conducts such business, ~~permitting only the retail sale of beer~~
8 manufactured by the brewer, class 1 brewer, or class 2 brewer.
9 Such sales shall be limited to on-premises, in-person sales
10 only, for lawful consumption on or off premises. Such
11 authorization shall be considered a privilege granted by the
12 brewer license and, other ~~at such premises and only on such~~
13 ~~premises, but no such person shall be entitled to more than one~~
14 ~~retailer's license in any event, and, other~~ than a manufacturer
15 of beer as stated above, no manufacturer or distributor or
16 importing distributor, excluding airplane licensees exercising
17 powers provided in paragraph (i) of Section 5-1 of this Act, or
18 any subsidiary or affiliate thereof, or any officer, associate,
19 member, partner, representative, employee or agent, or
20 shareholder shall be issued a retailer's license, nor shall any
21 person having a retailer's license, excluding airplane
22 licensees exercising powers provided in paragraph (i) of
23 Section 5-1 of this Act, or any subsidiary or affiliate
24 thereof, or any officer, associate, member, partner,
25 representative or agent, or shareholder be issued a
26 manufacturer's license or importing distributor's license.

1 A person who holds a class 1 or class 2 brewer license and
2 is authorized by this Section to sell beer to non-licensees
3 shall not sell beer to non-licensees from more than 3 total
4 brewer or commonly owned brew pub licensed locations in this
5 State. The class 1 or class 2 brewer shall designate to the
6 State Commission the brewer or brew pub locations from which it
7 will sell beer to non-licensees.

8 A person licensed as a craft distiller not affiliated with
9 any other person manufacturing spirits may be authorized by the
10 Commission to sell up to 2,500 gallons of spirits produced by
11 the person to non-licensees for on or off-premises consumption
12 for the premises in which he or she actually conducts business
13 permitting only the retail sale of spirits manufactured at such
14 premises. Such sales shall be limited to on-premises, in-person
15 sales only, for lawful consumption on or off premises, and such
16 authorization shall be considered a privilege granted by the
17 craft distiller license. A craft distiller licensed for retail
18 sale shall secure liquor liability insurance coverage in an
19 amount at least equal to the maximum liability amounts set
20 forth in subsection (a) of Section 6-21 of this Act.

21 (f) However, the foregoing prohibitions against any person
22 licensed as a distiller or wine manufacturer being issued a
23 retailer's license shall not apply:

24 (i) to any hotel, motel or restaurant whose principal
25 business is not the sale of alcoholic liquors if said
26 retailer's sales of any alcoholic liquors manufactured,

1 sold, distributed or controlled, directly or indirectly,
2 by any affiliate, subsidiary, officer, associate, member,
3 partner, representative, employee, agent or shareholder
4 owning more than 5% of the outstanding shares of such
5 person does not exceed 10% of the total alcoholic liquor
6 sales of said retail licensee; and

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

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

19 (Source: P.A. 96-1367, eff. 7-28-10; 97-606, eff. 8-26-11;
20 97-1166, eff. 3-1-13.)

21 (235 ILCS 5/6-5) (from Ch. 43, par. 122)

22 Sec. 6-5. Except as otherwise provided in this Section, it
23 is unlawful for any person having a retailer's license or any
24 officer, associate, member, representative or agent of such
25 licensee to accept, receive or borrow money, or anything else

1 of value, or accept or receive credit (other than merchandising
2 credit in the ordinary course of business for a period not to
3 exceed 30 days) directly or indirectly from any manufacturer,
4 importing distributor or distributor of alcoholic liquor, or
5 from any person connected with or in any way representing, or
6 from any member of the family of, such manufacturer, importing
7 distributor, distributor or wholesaler, or from any
8 stockholders in any corporation engaged in manufacturing,
9 distributing or wholesaling of such liquor, or from any
10 officer, manager, agent or representative of said
11 manufacturer. Except as provided below, it is unlawful for any
12 manufacturer or distributor or importing distributor to give or
13 lend money or anything of value, or otherwise loan or extend
14 credit (except such merchandising credit) directly or
15 indirectly to any retail licensee or to the manager,
16 representative, agent, officer or director of such licensee. A
17 manufacturer, distributor or importing distributor may furnish
18 free advertising, posters, signs, brochures, hand-outs, or
19 other promotional devices or materials to any unit of
20 government owning or operating any auditorium, exhibition
21 hall, recreation facility or other similar facility holding a
22 retailer's license, provided that the primary purpose of such
23 promotional devices or materials is to promote public events
24 being held at such facility. A unit of government owning or
25 operating such a facility holding a retailer's license may
26 accept such promotional devices or materials designed

1 primarily to promote public events held at the facility. No
2 retail licensee delinquent beyond the 30 day period specified
3 in this Section shall solicit, accept or receive credit,
4 purchase or acquire alcoholic liquors, directly or indirectly
5 from any other licensee, and no manufacturer, distributor or
6 importing distributor shall knowingly grant or extend credit,
7 sell, furnish or supply alcoholic liquors to any such
8 delinquent retail licensee; provided that the purchase price of
9 all beer sold to a retail licensee shall be paid by the retail
10 licensee in cash on or before delivery of the beer, and unless
11 the purchase price payable by a retail licensee for beer sold
12 to him in returnable bottles shall expressly include a charge
13 for the bottles and cases, the retail licensee shall, on or
14 before delivery of such beer, pay the seller in cash a deposit
15 in an amount not less than the deposit required to be paid by
16 the distributor to the brewer; but where the brewer sells
17 direct to the retailer, the deposit shall be an amount no less
18 than that required by the brewer from his own distributors; and
19 provided further, that in no instance shall this deposit be
20 less than 50 cents for each case of beer in pint or smaller
21 bottles and 60 cents for each case of beer in quart or
22 half-gallon bottles; and provided further, that the purchase
23 price of all beer sold to an importing distributor or
24 distributor shall be paid by such importing distributor or
25 distributor in cash on or before the 15th day (Sundays and
26 holidays excepted) after delivery of such beer to such

1 purchaser; and unless the purchase price payable by such
2 importing distributor or distributor for beer sold in
3 returnable bottles and cases shall expressly include a charge
4 for the bottles and cases, such importing distributor or
5 distributor shall, on or before the 15th day (Sundays and
6 holidays excepted) after delivery of such beer to such
7 purchaser, pay the seller in cash a required amount as a
8 deposit to assure the return of such bottles and cases. Nothing
9 herein contained shall prohibit any licensee from crediting or
10 refunding to a purchaser the actual amount of money paid for
11 bottles, cases, kegs or barrels returned by the purchaser to
12 the seller or paid by the purchaser as a deposit on bottles,
13 cases, kegs or barrels, when such containers or packages are
14 returned to the seller. Nothing herein contained shall prohibit
15 any manufacturer, importing distributor or distributor from
16 extending usual and customary credit for alcoholic liquor sold
17 to customers or purchasers who live in or maintain places of
18 business outside of this State when such alcoholic liquor is
19 actually transported and delivered to such points outside of
20 this State.

21 A manufacturer, distributor, or importing distributor may
22 furnish free social media advertising to a retail licensee if
23 the social media advertisement does not contain the retail
24 price of any alcoholic liquor and the social media
25 advertisement complies with any applicable rules or
26 regulations issued by the Alcohol and Tobacco Tax and Trade

1 Bureau of the United States Department of the Treasury. A
2 manufacturer, distributor, or importing distributor may list
3 the names of one or more unaffiliated retailers in the
4 advertisement of alcoholic liquor through social media.
5 Nothing in this Section shall prohibit a retailer from
6 communicating with a manufacturer, distributor, or importing
7 distributor on social media or sharing media on the social
8 media of a manufacturer, distributor, or importing
9 distributor. A retailer may request free social media
10 advertising from a manufacturer, distributor, or importing
11 distributor. Nothing in this Section shall prohibit a
12 manufacturer, distributor, or importing distributor from
13 sharing, reposting, or otherwise forwarding a social media post
14 by a retail licensee, so long as the sharing, reposting, or
15 forwarding of the social media post does not contain the retail
16 price of any alcoholic liquor. No manufacturer, distributor, or
17 importing distributor shall pay or reimburse a retailer,
18 directly or indirectly, for any social media advertising
19 services, except as specifically permitted in this Act. No
20 retailer shall accept any payment or reimbursement, directly or
21 indirectly, for any social media advertising services offered
22 by a manufacturer, distributor, or importing distributor,
23 except as specifically permitted in this Act. For the purposes
24 of this Section, "social media" means a service, platform, or
25 site where users communicate with one another and share media,
26 such as pictures, videos, music, and blogs, with other users

1 free of charge.

2 No right of action shall exist for the collection of any
3 claim based upon credit extended to a distributor, importing
4 distributor or retail licensee contrary to the provisions of
5 this Section.

6 Every manufacturer, importing distributor and distributor
7 shall submit or cause to be submitted, to the State Commission,
8 in triplicate, not later than Thursday of each calendar week, a
9 verified written list of the names and respective addresses of
10 each retail licensee purchasing spirits or wine from such
11 manufacturer, importing distributor or distributor who, on the
12 first business day of that calendar week, was delinquent beyond
13 the above mentioned permissible merchandising credit period of
14 30 days; or, if such is the fact, a verified written statement
15 that no retail licensee purchasing spirits or wine was then
16 delinquent beyond such permissible merchandising credit period
17 of 30 days.

18 Every manufacturer, importing distributor and distributor
19 shall submit or cause to be submitted, to the State Commission,
20 in triplicate, a verified written list of the names and
21 respective addresses of each previously reported delinquent
22 retail licensee who has cured such delinquency by payment,
23 which list shall be submitted not later than the close of the
24 second full business day following the day such delinquency was
25 so cured.

26 Such written verified reports required to be submitted by

1 this Section shall be posted by the State Commission in each of
2 its offices in places available for public inspection not later
3 than the day following receipt thereof by the Commission. The
4 reports so posted shall constitute notice to every
5 manufacturer, importing distributor and distributor of the
6 information contained therein. Actual notice to manufacturers,
7 importing distributors and distributors of the information
8 contained in any such posted reports, however received, shall
9 also constitute notice of such information.

10 The 30 day merchandising credit period allowed by this
11 Section shall commence with the day immediately following the
12 date of invoice and shall include all successive days including
13 Sundays and holidays to and including the 30th successive day.

14 In addition to other methods allowed by law, payment by
15 check during the period for which merchandising credit may be
16 extended under the provisions of this Section shall be
17 considered payment. All checks received in payment for
18 alcoholic liquor shall be promptly deposited for collection. A
19 post dated check or a check dishonored on presentation for
20 payment shall not be deemed payment.

21 A retail licensee shall not be deemed to be delinquent in
22 payment for any alleged sale to him of alcoholic liquor when
23 there exists a bona fide dispute between such retailer and a
24 manufacturer, importing distributor or distributor with
25 respect to the amount of indebtedness existing because of such
26 alleged sale.

1 A delinquent retail licensee who engages in the retail
2 liquor business at 2 or more locations shall be deemed to be
3 delinquent with respect to each such location.

4 The license of any person who violates any provision of
5 this Section shall be subject to suspension or revocation in
6 the manner provided by this Act.

7 If any part or provision of this Article or the application
8 thereof to any person or circumstances shall be adjudged
9 invalid by a court of competent jurisdiction, such judgment
10 shall be confined by its operation to the controversy in which
11 it was mentioned and shall not affect or invalidate the
12 remainder of this Article or the application thereof to any
13 other person or circumstance and to this and the provisions of
14 this Article are declared severable.

15 (Source: P.A. 83-762.)

16 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

17 Sec. 6-6. Except as otherwise provided in this Act no
18 manufacturer or distributor or importing distributor shall,
19 directly or indirectly, sell, supply, furnish, give or pay for,
20 or loan or lease, any furnishing, fixture or equipment on the
21 premises of a place of business of another licensee authorized
22 under this Act to sell alcoholic liquor at retail, either for
23 consumption on or off the premises, nor shall he or she,
24 directly or indirectly, pay for any such license, or advance,
25 furnish, lend or give money for payment of such license, or

1 purchase or become the owner of any note, mortgage, or other
2 evidence of indebtedness of such licensee or any form of
3 security therefor, nor shall such manufacturer, or
4 distributor, or importing distributor, directly or indirectly,
5 be interested in the ownership, conduct or operation of the
6 business of any licensee authorized to sell alcoholic liquor at
7 retail, nor shall any manufacturer, or distributor, or
8 importing distributor be interested directly or indirectly or
9 as owner or part owner of said premises or as lessee or lessor
10 thereof, in any premises upon which alcoholic liquor is sold at
11 retail.

12 No manufacturer or distributor or importing distributor
13 shall, directly or indirectly or through a subsidiary or
14 affiliate, or by any officer, director or firm of such
15 manufacturer, distributor or importing distributor, furnish,
16 give, lend or rent, install, repair or maintain, to or for any
17 retail licensee in this State, any signs or inside advertising
18 materials except as provided in this Section and Section 6-5.
19 With respect to retail licensees, other than any government
20 owned or operated auditorium, exhibition hall, recreation
21 facility or other similar facility holding a retailer's license
22 as described in Section 6-5, a manufacturer, distributor, or
23 importing distributor may furnish, give, lend or rent and
24 erect, install, repair and maintain to or for any retail
25 licensee, for use at any one time in or about or in connection
26 with a retail establishment on which the products of the

1 manufacturer, distributor or importing distributor are sold,
2 the following signs and inside advertising materials as
3 authorized in subparts (i), (ii), (iii), and (iv):

4 (i) Permanent outside signs shall be limited to one
5 outside sign, per brand, in place and in use at any one
6 time, costing not more than \$893, exclusive of erection,
7 installation, repair and maintenance costs, and permit
8 fees and shall bear only the manufacturer's name, brand
9 name, trade name, slogans, markings, trademark, or other
10 symbols commonly associated with and generally used in
11 identifying the product including, but not limited to,
12 "cold beer", "on tap", "carry out", and "packaged liquor".

13 (ii) Temporary outside signs shall be limited to one
14 temporary outside sign per brand. Examples of temporary
15 outside signs are banners, flags, pennants, streamers, and
16 other items of a temporary and non-permanent nature. Each
17 temporary outside sign must include the manufacturer's
18 name, brand name, trade name, slogans, markings,
19 trademark, or other symbol commonly associated with and
20 generally used in identifying the product. Temporary
21 outside signs may also include, for example, the product,
22 price, packaging, date or dates of a promotion and an
23 announcement of a retail licensee's specific sponsored
24 event, if the temporary outside sign is intended to promote
25 a product, and provided that the announcement of the retail
26 licensee's event and the product promotion are held

1 simultaneously. However, temporary outside signs may not
2 include names, slogans, markings, or logos that relate to
3 the retailer. Nothing in this subpart (ii) shall prohibit a
4 distributor or importing distributor from bearing the cost
5 of creating or printing a temporary outside sign for the
6 retail licensee's specific sponsored event or from bearing
7 the cost of creating or printing a temporary sign for a
8 retail licensee containing, for example, community
9 goodwill expressions, regional sporting event
10 announcements, or seasonal messages, provided that the
11 primary purpose of the temporary outside sign is to
12 highlight, promote, or advertise the product. In addition,
13 temporary outside signs provided by the manufacturer to the
14 distributor or importing distributor may also include, for
15 example, subject to the limitations of this Section,
16 preprinted community goodwill expressions, sporting event
17 announcements, seasonal messages, and manufacturer
18 promotional announcements. However, a distributor or
19 importing distributor shall not bear the cost of such
20 manufacturer preprinted signs.

21 (iii) Permanent inside signs, whether visible from the
22 outside or the inside of the premises, include, but are not
23 limited to: alcohol lists and menus that may include names,
24 slogans, markings, or logos that relate to the retailer;
25 neons; illuminated signs; clocks; table lamps; mirrors;
26 tap handles; decalcomanias; window painting; and window

1 trim. All permanent inside signs in place and in use at any
2 one time shall cost in the aggregate not more than \$2000
3 per manufacturer. A permanent inside sign must include the
4 manufacturer's name, brand name, trade name, slogans,
5 markings, trademark, or other symbol commonly associated
6 with and generally used in identifying the product.
7 However, permanent inside signs may not include names,
8 slogans, markings, or logos that relate to the retailer.
9 For the purpose of this subpart (iii), all permanent inside
10 signs may be displayed in an adjacent courtyard or patio
11 commonly referred to as a "beer garden" that is a part of
12 the retailer's licensed premises.

13 (iv) Temporary inside signs shall include, but are not
14 limited to, lighted chalk boards, acrylic table tent
15 beverage or hors d'oeuvre list holders, banners, flags,
16 pennants, streamers, and inside advertising materials such
17 as posters, placards, bowling sheets, table tents, inserts
18 for acrylic table tent beverage or hors d'oeuvre list
19 holders, sports schedules, or similar printed or
20 illustrated materials; however, such items, for example,
21 as coasters, trays, napkins, glassware and cups shall not
22 be deemed to be inside signs or advertising materials and
23 may only be sold to retailers. All temporary inside signs
24 and inside advertising materials in place and in use at any
25 one time shall cost in the aggregate not more than \$325 per
26 manufacturer. Nothing in this subpart (iv) prohibits a

1 distributor or importing distributor from paying the cost
2 of printing or creating any temporary inside banner or
3 inserts for acrylic table tent beverage or hors d'oeuvre
4 list holders for a retail licensee, provided that the
5 primary purpose for the banner or insert is to highlight,
6 promote, or advertise the product. For the purpose of this
7 subpart (iv), all temporary inside signs and inside
8 advertising materials may be displayed in an adjacent
9 courtyard or patio commonly referred to as a "beer garden"
10 that is a part of the retailer's licensed premises.

11 A "cost adjustment factor" shall be used to periodically
12 update the dollar limitations prescribed in subparts (i),
13 (iii), and (iv). The Commission shall establish the adjusted
14 dollar limitation on an annual basis beginning in January,
15 1997. The term "cost adjustment factor" means a percentage
16 equal to the change in the Bureau of Labor Statistics Consumer
17 Price Index or 5%, whichever is greater. The restrictions
18 contained in this Section 6-6 do not apply to signs, or
19 promotional or advertising materials furnished by
20 manufacturers, distributors or importing distributors to a
21 government owned or operated facility holding a retailer's
22 license as described in Section 6-5.

23 No distributor or importing distributor shall directly or
24 indirectly or through a subsidiary or affiliate, or by any
25 officer, director or firm of such manufacturer, distributor or
26 importing distributor, furnish, give, lend or rent, install,

1 repair or maintain, to or for any retail licensee in this
2 State, any signs or inside advertising materials described in
3 subparts (i), (ii), (iii), or (iv) of this Section except as
4 the agent for or on behalf of a manufacturer, provided that the
5 total cost of any signs and inside advertising materials
6 including but not limited to labor, erection, installation and
7 permit fees shall be paid by the manufacturer whose product or
8 products said signs and inside advertising materials advertise
9 and except as follows:

10 A distributor or importing distributor may purchase from or
11 enter into a written agreement with a manufacturer or a
12 manufacturer's designated supplier and such manufacturer or
13 the manufacturer's designated supplier may sell or enter into
14 an agreement to sell to a distributor or importing distributor
15 permitted signs and advertising materials described in
16 subparts (ii), (iii), or (iv) of this Section for the purpose
17 of furnishing, giving, lending, renting, installing,
18 repairing, or maintaining such signs or advertising materials
19 to or for any retail licensee in this State. Any purchase by a
20 distributor or importing distributor from a manufacturer or a
21 manufacturer's designated supplier shall be voluntary and the
22 manufacturer may not require the distributor or the importing
23 distributor to purchase signs or advertising materials from the
24 manufacturer or the manufacturer's designated supplier.

25 A distributor or importing distributor shall be deemed the
26 owner of such signs or advertising materials purchased from a

1 manufacturer or a manufacturer's designated supplier.

2 The provisions of Public Act 90-373 concerning signs or
3 advertising materials delivered by a manufacturer to a
4 distributor or importing distributor shall apply only to signs
5 or advertising materials delivered on or after August 14, 1997.

6 A manufacturer, distributor, or importing distributor may
7 furnish free social media advertising to a retail licensee if
8 the social media advertisement does not contain the retail
9 price of any alcoholic liquor and the social media
10 advertisement complies with any applicable rules or
11 regulations issued by the Alcohol and Tobacco Tax and Trade
12 Bureau of the United States Department of the Treasury. A
13 manufacturer, distributor, or importing distributor may list
14 the names of one or more unaffiliated retailers in the
15 advertisement of alcoholic liquor through social media.
16 Nothing in this Section shall prohibit a retailer from
17 communicating with a manufacturer, distributor, or importing
18 distributor on social media or sharing media on the social
19 media of a manufacturer, distributor, or importing
20 distributor. A retailer may request free social media
21 advertising from a manufacturer, distributor, or importing
22 distributor. Nothing in this Section shall prohibit a
23 manufacturer, distributor, or importing distributor from
24 sharing, reposting, or otherwise forwarding a social media post
25 by a retail licensee, so long as the sharing, reposting, or
26 forwarding of the social media post does not contain the retail

1 price of any alcoholic liquor. No manufacturer, distributor, or
2 importing distributor shall pay or reimburse a retailer,
3 directly or indirectly, for any social media advertising
4 services, except as specifically permitted in this Act. No
5 retailer shall accept any payment or reimbursement, directly or
6 indirectly, for any social media advertising services offered
7 by a manufacturer, distributor, or importing distributor,
8 except as specifically permitted in this Act. For the purposes
9 of this Section, "social media" means a service, platform, or
10 site where users communicate with one another and share media,
11 such as pictures, videos, music, and blogs, with other users
12 free of charge.

13 No person engaged in the business of manufacturing,
14 importing or distributing alcoholic liquors shall, directly or
15 indirectly, pay for, or advance, furnish, or lend money for the
16 payment of any license for another. Any licensee who shall
17 permit or assent, or be a party in any way to any violation or
18 infringement of the provisions of this Section shall be deemed
19 guilty of a violation of this Act, and any money loaned
20 contrary to a provision of this Act shall not be recovered
21 back, or any note, mortgage or other evidence of indebtedness,
22 or security, or any lease or contract obtained or made contrary
23 to this Act shall be unenforceable and void.

24 This Section shall not apply to airplane licensees
25 exercising powers provided in paragraph (i) of Section 5-1 of
26 this Act.

1 (Source: P.A. 98-756, eff. 7-16-14.)

2 (235 ILCS 5/6-36)

3 Sec. 6-36. Homemade brewed beverages.

4 (a) No license or permit is required under this Act for the
5 making of homemade brewed beverages or for the possession,
6 transportation, or storage of homemade brewed beverages by any
7 person 21 years of age or older, if all of the following apply:

8 (1) the person who makes the homemade brewed beverages
9 receives no compensation;

10 (2) the homemade brewed beverages are ~~is~~ not sold or
11 offered for sale; and

12 (3) the total quantity of homemade brewed beverages
13 made, in a calendar year, by the person does not exceed 100
14 gallons if the household has only one person 21 years of
15 age or older or 200 gallons if the household has 2 or more
16 persons 21 years of age or older.

17 (b) A person who makes, possesses, transports, or stores
18 homemade brewed beverages in compliance with the limitations
19 specified in subsection (a) is not a brewer, class 1 ~~craft~~
20 brewer, class 2 brewer, wholesaler, retailer, or a manufacturer
21 of beer for the purposes of this Act.

22 (c) Homemade brewed beverages made in compliance with the
23 limitations specified in subsection (a) may be consumed by the
24 person who made it and his or her family, neighbors, and
25 friends at any private residence or other private location

1 where the possession and consumption of alcohol are ~~is~~
2 permissible under this Act, local ordinances, and other
3 applicable law, provided that the homemade brewed beverages are
4 not made available for consumption by the general public.

5 (d) Homemade brewed beverages made in compliance with the
6 limitations specified in subsection (a) may be used for
7 purposes of a public exhibition, demonstration, tasting, or
8 sampling with sampling sizes as authorized by Section 6-31, if
9 the event is held at a private residence or at a location other
10 than a retail licensed premises. If the public event is not
11 held at a private residence, the event organizer shall obtain a
12 homebrewer special event permit for each location, and is
13 subject to the provisions in subsection (a) of Section 6-21.
14 Homemade brewed beverages used for purposes described in this
15 subsection (d), including the submission or consumption of the
16 homemade brewed beverages, are not considered sold or offered
17 for sale under this Act. A public exhibition, demonstration,
18 tasting, or sampling with sampling sizes as authorized by
19 Section 6-31 held by a licensee on a location other than a
20 retail licensed premises may require an admission charge to the
21 event, but no separate or additional fee may be charged for the
22 consumption of a person's homemade brewed beverages at the
23 public exhibition, demonstration, tasting, or sampling with
24 sampling sizes as authorized by Section 6-31. Event admission
25 charges that are collected may be partially used to provide
26 prizes to makers of homemade brewed beverages, but the

1 admission charges may not be divided in any fashion among the
2 makers of the homemade brewed beverages who participate in the
3 event. Homemade brewed beverages used for purposes described in
4 this subsection (d) are not considered sold or offered for sale
5 under this Act if a maker of homemade brewed beverages receives
6 free event admission or discounted event admission in return
7 for the maker's donation of the homemade brewed beverages to an
8 event specified in this subsection (d) that collects event
9 admission charges; free admission or discounted admission to
10 the event is not considered compensation under this Act. No
11 admission fee and no charge for the consumption of a person's
12 homemade brewed beverage may be collected if the public
13 exhibition, demonstration, tasting, or sampling with sampling
14 sizes as authorized by Section 6-31 is held at a private
15 residence.

16 (e) A person who is not a licensee under this Act may at a
17 private residence, and a person who is a licensee under this
18 Act may on the licensed premises, conduct, sponsor, or host a
19 contest, competition, or other event for the exhibition,
20 demonstration, judging, tasting, or sampling of homemade
21 brewed beverages made in compliance with the limitations
22 specified in subsection (a), if the person does not sell the
23 homemade brewed beverages and, unless the person is the brewer
24 of the homemade brewed beverages, does not acquire any
25 ownership interest in the homemade brewed beverages. If the
26 contest, competition, exhibition, demonstration, or judging is

1 not held at a private residence, the consumption of the
2 homemade brewed beverages is limited to qualified judges and
3 stewards as defined by a national or international beer judging
4 program, who are identified by the event organizer in advance
5 of the contest, competition, exhibition, demonstration, or
6 judging. Homemade brewed beverages used for the purposes
7 described in this subsection (e), including the submission or
8 consumption of the homemade brewed beverages, are not
9 considered sold or offered for sale under this Act and any
10 prize awarded at a contest or competition or as a result of an
11 exhibition, demonstration, or judging is not considered
12 compensation under this Act. An exhibition, demonstration,
13 judging, contest, or competition held by a licensee on a
14 licensed premises may require an admission charge to the event,
15 but no separate or additional fee may be charged for the
16 consumption of a person's homemade brewed beverage at the
17 exhibition, demonstration, judging, contest, or competition. A
18 portion of event admission charges that are collected may be
19 used to provide prizes to makers of homemade brewed beverages,
20 but the admission charges may not be divided in any fashion
21 among the makers of the homemade brewed beverages who
22 participate in the event. Homemade brewed beverages used for
23 purposes described in this subsection (e) are not considered
24 sold or offered for sale under this Act if a maker of homemade
25 brewed beverages receives free event admission or discounted
26 event admission in return for the maker's donation of the

1 homemade brewed beverages to an event specified in this
2 subsection (e) that collects event admission charges; free
3 admission or discounted admission to the event is not
4 considered compensation under this Act. No admission fee and no
5 charge for the consumption of a person's homemade brewed
6 beverage may be charged if the exhibition, demonstration,
7 judging, contest, or competition is held at a private
8 residence. The fact that a person is acting in a manner
9 authorized by this Section is not, by itself, sufficient to
10 constitute a public nuisance under Section 10-7 of this Act. If
11 the contest, competition, or other event is held on licensed
12 premises, the licensee may allow the homemade brewed beverages
13 to be stored on the premises if the homemade brewed beverages
14 are clearly identified and~~r~~ kept separate from any alcohol
15 beverages owned by the licensee. If the contest, competition,
16 or other event is held on licensed premises, other provisions
17 of this Act not inconsistent with this Section apply.

18 (f) A commercial enterprise engaged primarily in selling
19 supplies and equipment to the public for use by homebrewers may
20 manufacture homemade brewed beverages for the purpose of
21 tasting the homemade brewed beverages at the location of the
22 commercial enterprise, provided that the homemade brewed
23 beverages are not sold or offered for sale. Homemade brewed
24 beverages provided at a commercial enterprise for tasting under
25 this subsection (f) shall be in compliance with Sections 6-16,
26 6-21, and 6-31 of this Act. A commercial enterprise engaged

1 solely in selling supplies and equipment for use by homebrewers
2 shall not be required to secure a license under this Act,
3 however, such commercial enterprise shall secure liquor
4 liability insurance coverage in an amount at least equal to the
5 maximum liability amounts set forth in subsection (a) of
6 Section 6-21 of this Act.

7 (g) Homemade brewed beverages are not subject to Section
8 8-1 of this Act.

9 (Source: P.A. 98-55, eff. 7-5-13; revised 11-26-14.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.