



Sen. John G. Mulroe

Adopted in Senate on Mar 25, 2015

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LRB099 07834 RPS 31815 a

1 AMENDMENT TO SENATE BILL 1516

2 AMENDMENT NO. _____. Amend Senate Bill 1516 by replacing
3 everything after the enacting clause with the following:

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

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

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

1 shareholder owning more than 5% of the outstanding shares of
2 such person be issued a distiller's license or a wine
3 manufacturer's license; and no person or persons licensed as a
4 distiller by any licensing authority shall have any interest,
5 directly or indirectly, with such distributor or importing
6 distributor.

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

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

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

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

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

1 ending June 30, 1947, which license was owned in whole by such
2 distiller, or subsidiaries or affiliates of such distiller.

3 (e) Any person having been licensed as a manufacturer shall
4 be permitted to receive one retailer's license for the premises
5 in which he or she actually conducts such business, permitting
6 only the retail sale of beer manufactured at such premises and
7 only on such premises, but no such person shall be entitled to
8 more than one retailer's license in any event, and, other than
9 a manufacturer of beer as stated above, no manufacturer or
10 distributor or importing distributor, excluding airplane
11 licensees exercising powers provided in paragraph (i) of
12 Section 5-1 of this Act, or any subsidiary or affiliate
13 thereof, or any officer, associate, member, partner,
14 representative, employee or agent, or shareholder shall be
15 issued a retailer's license, nor shall any person having a
16 retailer's license, 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 or agent, or shareholder be
20 issued a manufacturer's license or importing distributor's
21 license.

22 A person licensed as a craft distiller not affiliated with
23 any other person manufacturing spirits may be authorized by the
24 Commission to sell up to 2,500 gallons of spirits produced by
25 the person to non-licensees for on or off-premises consumption
26 for the premises in which he or she actually conducts business

1 permitting only the retail sale of spirits manufactured at such
2 premises. Such sales shall be limited to on-premises, in-person
3 sales only, for lawful consumption on or off premises, and such
4 authorization shall be considered a privilege granted by the
5 craft distiller license. A craft distiller licensed for retail
6 sale shall secure liquor liability insurance coverage in an
7 amount at least equal to the maximum liability amounts set
8 forth in subsection (a) of Section 6-21 of this Act.

9 (f) (Blank). ~~However, the foregoing prohibitions against~~
10 ~~any person licensed as a distiller or wine manufacturer being~~
11 ~~issued a retailer's license shall not apply:~~

12 ~~(i) to any hotel, motel or restaurant whose principal~~
13 ~~business is not the sale of alcoholic liquors if said~~
14 ~~retailer's sales of any alcoholic liquors manufactured,~~
15 ~~sold, distributed or controlled, directly or indirectly,~~
16 ~~by any affiliate, subsidiary, officer, associate, member,~~
17 ~~partner, representative, employee, agent or shareholder~~
18 ~~owning more than 5% of the outstanding shares of such~~
19 ~~person does not exceed 10% of the total alcoholic liquor~~
20 ~~sales of said retail licensee; and~~

21 ~~(ii) where the Commission determines, having~~
22 ~~considered the public welfare, the economic impact upon the~~
23 ~~State and the entirety of the facts and circumstances~~
24 ~~involved, that the purpose and intent of this Section would~~
25 ~~not be violated by granting an exemption.~~

26 (g) Notwithstanding any of the foregoing prohibitions, a

1 limited wine manufacturer may sell at retail at its
2 manufacturing site for on or off premises consumption and may
3 sell to distributors. A limited wine manufacturer licensee
4 shall secure liquor liability insurance coverage in an amount
5 at least equal to the maximum liability amounts set forth in
6 subsection (a) of Section 6-21 of this Act.

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".