



Sen. Kimberly A. Lightford

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10400HB0952sam002

LRB104 04854 RPS 38716 a

1 AMENDMENT TO HOUSE BILL 952

2 AMENDMENT NO. _____. Amend House Bill 952, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Liquor Control Act of 1934 is amended by
6 changing Sections 3-12, 5-1, 7-1, and 7-6 as follows:

7 (235 ILCS 5/3-12)

8 (Text of Section before amendment by P.A. 104-451)

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

10 (a) The State Commission shall have the following powers,
11 functions, and duties:

12 (1) To receive applications and to issue licenses to
13 manufacturers, foreign importers, importing distributors,
14 distributors, non-resident dealers, on premise consumption
15 retailers, off premise sale retailers, special event
16 retailer licensees, special use permit licenses, auction

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

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

24 For the purpose of this paragraph (1), when
25 determining multiple violations for the sale of alcohol to
26 a person under the age of 21, a second or subsequent

1 violation for the sale of alcohol to a person under the age
2 of 21 shall only be considered if it was committed within 5
3 years after the date when a prior violation for the sale of
4 alcohol to a person under the age of 21 was committed.

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

21 Any notice issued by the State Commission to a
22 licensee for a violation of this Act or any notice with
23 respect to settlement or offer in compromise shall include
24 the field report, photographs, and any other supporting
25 documentation necessary to reasonably inform the licensee
26 of the nature and extent of the violation or the conduct

1 alleged to have occurred. The failure to include such
2 required documentation shall result in the dismissal of
3 the action.

4 (2) To adopt such rules and regulations consistent
5 with the provisions of this Act which shall be necessary
6 to carry on its functions and duties to the end that the
7 health, safety and welfare of the People of the State of
8 Illinois shall be protected and temperance in the
9 consumption of alcoholic liquors shall be fostered and
10 promoted and to distribute copies of such rules and
11 regulations to all licensees affected thereby.

12 (3) To call upon other administrative departments of
13 the State, county and municipal governments, county and
14 city police departments and upon prosecuting officers for
15 such information and assistance as it deems necessary in
16 the performance of its duties.

17 (4) To recommend to local commissioners rules and
18 regulations, not inconsistent with the law, for the
19 distribution and sale of alcoholic liquors throughout the
20 State.

21 (5) To inspect, or cause to be inspected, any premises
22 in this State where alcoholic liquors are manufactured,
23 distributed, warehoused, or sold. Nothing in this Act
24 authorizes an agent of the State Commission to inspect
25 private areas within the premises without reasonable
26 suspicion or a warrant during an inspection. "Private

1 areas" include, but are not limited to, safes, personal
2 property, and closed desks.

3 (5.1) Upon receipt of a complaint or upon having
4 knowledge that any person is engaged in business as a
5 manufacturer, importing distributor, distributor, or
6 retailer without a license or valid license, to conduct an
7 investigation. If, after conducting an investigation, the
8 State Commission is satisfied that the alleged conduct
9 occurred or is occurring, it may issue a cease and desist
10 notice as provided in this Act, impose civil penalties as
11 provided in this Act, notify the local liquor authority,
12 or file a complaint with the State's Attorney's Office of
13 the county where the incident occurred or the Attorney
14 General.

15 (5.2) Upon receipt of a complaint or upon having
16 knowledge that any person is shipping alcoholic liquor
17 into this State from a point outside of this State if the
18 shipment is in violation of this Act, to conduct an
19 investigation. If, after conducting an investigation, the
20 State Commission is satisfied that the alleged conduct
21 occurred or is occurring, it may issue a cease and desist
22 notice as provided in this Act, impose civil penalties as
23 provided in this Act, notify the foreign jurisdiction, or
24 file a complaint with the State's Attorney's Office of the
25 county where the incident occurred or the Attorney
26 General.

1 (5.3) To receive complaints from licensees, local
2 officials, law enforcement agencies, organizations, and
3 persons stating that any licensee has been or is violating
4 any provision of this Act or the rules and regulations
5 issued pursuant to this Act. Such complaints shall be in
6 writing, signed and sworn to by the person making the
7 complaint, and shall state with specificity the facts in
8 relation to the alleged violation. If the State Commission
9 has reasonable grounds to believe that the complaint
10 substantially alleges a violation of this Act or rules and
11 regulations adopted pursuant to this Act, it shall conduct
12 an investigation. If, after conducting an investigation,
13 the State Commission is satisfied that the alleged
14 violation did occur, it shall proceed with disciplinary
15 action against the licensee as provided in this Act.

16 (5.4) To make arrests and issue notices of civil
17 violations where necessary for the enforcement of this
18 Act.

19 (5.5) To investigate any and all unlicensed activity.

20 (5.6) To impose civil penalties or fines to any person
21 who, without holding a valid license, engages in conduct
22 that requires a license pursuant to this Act, in an amount
23 not to exceed \$20,000 for each offense as determined by
24 the State Commission. A civil penalty shall be assessed by
25 the State Commission after a hearing is held in accordance
26 with the provisions set forth in this Act regarding the

1 provision of a hearing for the revocation or suspension of
2 a license.

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

9 (7) The State Commission shall establish uniform
10 systems of accounts to be kept by all retail licensees
11 having more than 4 employees, and for this purpose the
12 State Commission may classify all retail licensees having
13 more than 4 employees and establish a uniform system of
14 accounts for each class and prescribe the manner in which
15 such accounts shall be kept. The State Commission may also
16 prescribe the forms of accounts to be kept by all retail
17 licensees having more than 4 employees, including, but not
18 limited to, accounts of earnings and expenses and any
19 distribution, payment, or other distribution of earnings
20 or assets, and any other forms, records, and memoranda
21 which in the judgment of the commission may be necessary
22 or appropriate to carry out any of the provisions of this
23 Act, including, but not limited to, such forms, records,
24 and memoranda as will readily and accurately disclose at
25 all times the beneficial ownership of such retail licensed
26 business. The accounts, forms, records, and memoranda

1 shall be available at all reasonable times for inspection
2 by authorized representatives of the State Commission or
3 by any local liquor control commissioner or his or her
4 authorized representative. The commission may, from time
5 to time, alter, amend, or repeal, in whole or in part, any
6 uniform system of accounts, or the form and manner of
7 keeping accounts.

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

23 Any circuit court may, by order duly entered, require
24 the attendance of witnesses and the production of relevant
25 books subpoenaed by the State Commission and the court may
26 compel obedience to its order by proceedings for contempt.

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

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

13 (11) To develop industry educational programs related
14 to responsible serving and selling, particularly in the
15 areas of overserving consumers and illegal underage
16 purchasing and consumption of alcoholic beverages.

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

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

3 (13) (Blank) .

4 (14) On or before April 30, 2008 and every 2 years
5 thereafter, the State Commission shall present a written
6 report to the Governor and the General Assembly that shall
7 be based on a study of the impact of Public Act 95-634 on
8 the business of soliciting, selling, and shipping wine
9 from inside and outside of this State directly to
10 residents of this State. As part of its report, the State
11 Commission shall provide all of the following information:

12 (A) The amount of State excise and sales tax
13 revenues generated.

14 (B) The amount of licensing fees received.

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

18 (D) The number of alcohol compliance operations
19 conducted.

20 (E) The number of winery shipper's licenses
21 issued.

22 (F) The number of each of the following: reported
23 violations; cease and desist notices issued by the
24 Commission; notices of violations issued by the
25 Commission and to the Department of Revenue; and
26 notices and complaints of violations to law

1 enforcement officials, including, without limitation,
2 the Illinois Attorney General and the U.S. Department
3 of Treasury's Alcohol and Tobacco Tax and Trade
4 Bureau.

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

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

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

1 25,000 gallons of wine may make application to the
2 Commission for a self-distribution exemption to allow the
3 sale of not more than 5,000 gallons of the exemption
4 holder's wine to retail licensees per year and to sell
5 cider, mead, or both cider and mead to brewers, class 1
6 brewers, class 2 brewers, and class 3 brewers that,
7 pursuant to subsection (e) of Section 6-4 of this Act,
8 sell beer, cider, mead, or any combination thereof to
9 non-licensees at their breweries.

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

19 (C) The State Commission shall approve the application
20 for a self-distribution exemption if such person: (1) is
21 in compliance with State revenue and liquor laws; (2) is
22 not a member of any affiliated group that produces
23 directly or indirectly more than 25,000 gallons of wine
24 per annum, 930,000 gallons of beer per annum, or 50,000
25 gallons of spirits per annum; (3) will not annually
26 produce for sale more than 25,000 gallons of wine, 930,000

1 gallons of beer, or 50,000 gallons of spirits; and (4)
2 will not annually sell more than 5,000 gallons of its wine
3 to retail licensees.

4 (D) A self-distribution exemption holder shall
5 annually certify to the State Commission its production of
6 wine in the previous 12 months and its anticipated
7 production and sales for the next 12 months. The State
8 Commission may fine, suspend, or revoke a
9 self-distribution exemption after a hearing if it finds
10 that the exemption holder has made a material
11 misrepresentation in its application, violated a revenue
12 or liquor law of Illinois, exceeded production of 25,000
13 gallons of wine, 930,000 gallons of beer, or 50,000
14 gallons of spirits in any calendar year, or become part of
15 an affiliated group producing more than 25,000 gallons of
16 wine, 930,000 gallons of beer, or 50,000 gallons of
17 spirits.

18 (E) Except in hearings for violations of this Act or
19 Public Act 95-634 or a bona fide investigation by duly
20 sworn law enforcement officials, the State Commission, or
21 its agents, the State Commission shall maintain the
22 production and sales information of a self-distribution
23 exemption holder as confidential and shall not release
24 such information to any person.

25 (F) The State Commission shall issue regulations
26 governing self-distribution exemptions consistent with

1 this Section and this Act.

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

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

18 (18)(A) A class 1 brewer licensee, who must also be
19 either a licensed brewer or licensed non-resident dealer
20 and annually manufacture less than 930,000 gallons of
21 beer, may make application to the State Commission for a
22 self-distribution exemption to allow the sale of not more
23 than 232,500 gallons per year of the exemption holder's
24 beer to retail licensees and to brewers, class 1 brewers,
25 and class 2 brewers that, pursuant to subsection (e) of
26 Section 6-4 of this Act, sell beer, cider, mead, or any

1 combination thereof to non-licensees at their breweries.

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

12 (C) Any application submitted shall be posted on the
13 State Commission's website at least 45 days prior to
14 action by the State Commission. The State Commission shall
15 approve the application for a self-distribution exemption
16 if the class 1 brewer licensee: (1) is in compliance with
17 the State, revenue, and alcoholic beverage laws; (2) is
18 not a member of any affiliated group that manufactures,
19 directly or indirectly, more than 930,000 gallons of beer
20 per annum, 25,000 gallons of wine per annum, or 50,000
21 gallons of spirits per annum; (3) shall not annually
22 manufacture for sale more than 930,000 gallons of beer,
23 25,000 gallons of wine, or 50,000 gallons of spirits; (4)
24 shall not annually sell more than 232,500 gallons of its
25 beer to retail licensees and class 3 brewers and to
26 brewers, class 1 brewers, and class 2 brewers that,

1 pursuant to subsection (e) of Section 6-4 of this Act,
2 sell beer, cider, mead, or any combination thereof to
3 non-licensees at their breweries; and (5) has relinquished
4 any brew pub license held by the licensee, including any
5 ownership interest it held in the licensed brew pub.

6 (D) A self-distribution exemption holder shall
7 annually certify to the State Commission its manufacture
8 of beer during the previous 12 months and its anticipated
9 manufacture and sales of beer for the next 12 months. The
10 State Commission may fine, suspend, or revoke a
11 self-distribution exemption after a hearing if it finds
12 that the exemption holder has made a material
13 misrepresentation in its application, violated a revenue
14 or alcoholic beverage law of Illinois, exceeded the
15 manufacture of 930,000 gallons of beer, 25,000 gallons of
16 wine, or 50,000 gallons of spirits in any calendar year or
17 became part of an affiliated group manufacturing more than
18 930,000 gallons of beer, 25,000 gallons of wine, or 50,000
19 gallons of spirits.

20 (E) The State Commission shall issue rules and
21 regulations governing self-distribution exemptions
22 consistent with this Act.

23 (F) Nothing in this paragraph (18) shall prohibit a
24 self-distribution exemption holder from entering into or
25 simultaneously having a distribution agreement with a
26 licensed Illinois importing distributor or a distributor.

1 If a self-distribution exemption holder enters into a
2 distribution agreement and has assigned distribution
3 rights to an importing distributor or distributor, then
4 the self-distribution exemption holder's distribution
5 rights in the assigned territories shall cease in a
6 reasonable time not to exceed 60 days.

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

15 (19)(A) A class 1 craft distiller licensee or a
16 non-resident dealer who manufactures less than 50,000
17 gallons of distilled spirits per year may make application
18 to the State Commission for a self-distribution exemption
19 to allow the sale of not more than 5,000 gallons of the
20 exemption holder's spirits to retail licensees per year.

21 (B) In the application, which shall be sworn under
22 penalty of perjury, the class 1 craft distiller licensee
23 or non-resident dealer shall state (1) the date it was
24 established; (2) its volume of spirits manufactured and
25 sold for each year since its establishment; (3) its
26 efforts to establish distributor relationships; (4) that a

1 self-distribution exemption is necessary to facilitate the
2 marketing of its spirits; and (5) that it will comply with
3 the alcoholic beverage and revenue laws of the United
4 States, this State, and any other state where it is
5 licensed.

6 (C) Any application submitted shall be posted on the
7 State Commission's website at least 45 days prior to
8 action by the State Commission. The State Commission shall
9 approve the application for a self-distribution exemption
10 if the applicant: (1) is in compliance with State revenue
11 and alcoholic beverage laws; (2) is not a member of any
12 affiliated group that produces more than 50,000 gallons of
13 spirits per annum, 930,000 gallons of beer per annum, or
14 25,000 gallons of wine per annum; (3) does not annually
15 manufacture for sale more than 50,000 gallons of spirits,
16 930,000 gallons of beer, or 25,000 gallons of wine; and
17 (4) does not annually sell more than 5,000 gallons of its
18 spirits to retail licensees.

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

1 or alcoholic beverage law of Illinois, exceeded the
2 manufacture of 50,000 gallons of spirits, 930,000 gallons
3 of beer, or 25,000 gallons of wine in any calendar year, or
4 has become part of an affiliated group manufacturing more
5 than 50,000 gallons of spirits, 930,000 gallons of beer,
6 or 25,000 gallons of wine.

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

9 (F) Nothing in this paragraph (19) shall prohibit a
10 self-distribution exemption holder from entering into or
11 simultaneously having a distribution agreement with a
12 licensed Illinois importing distributor or a distributor.

13 (G) It is the intent of this paragraph (19) to promote
14 and continue orderly markets. The General Assembly finds
15 that in order to preserve Illinois' regulatory
16 distribution system, it is necessary to create an
17 exception for smaller manufacturers in order to afford and
18 allow such smaller manufacturers of spirits access to the
19 marketplace in order to develop a customer base without
20 impairing the integrity of the 3-tier system.

21 (20) (A) A class 3 brewer licensee who must manufacture
22 less than 465,000 gallons of beer in the aggregate and not
23 more than 155,000 gallons at any single brewery premises
24 may make application to the State Commission for a
25 self-distribution exemption to allow the sale of not more
26 than 6,200 gallons of beer from each in-state or

1 out-of-state class 3 brewery premises, which shall not
2 exceed 18,600 gallons annually in the aggregate, that is
3 manufactured at a wholly owned class 3 brewer's in-state
4 or out-of-state licensed premises to retail licensees and
5 class 3 brewers and to brewers, class 1 brewers, class 2
6 brewers that, pursuant to subsection (e) of Section 6-4,
7 sell beer, cider, or both beer and cider to non-licensees
8 at their licensed breweries.

9 (B) In the application, which shall be sworn under
10 penalty of perjury, the class 3 brewer licensee shall
11 state:

12 (1) the date it was established;

13 (2) its volume of beer manufactured and sold for
14 each year since its establishment;

15 (3) its efforts to establish distributor
16 relationships;

17 (4) that a self-distribution exemption is
18 necessary to facilitate the marketing of its beer; and

19 (5) that it will comply with the alcoholic
20 beverage and revenue laws of the United States, this
21 State, and any other state where it is licensed.

22 (C) Any application submitted shall be posted on the
23 State Commission's website at least 45 days before action
24 by the State Commission. The State Commission shall
25 approve the application for a self-distribution exemption
26 if the class 3 brewer licensee: (1) is in compliance with

1 the State, revenue, and alcoholic beverage laws; (2) is
2 not a member of any affiliated group that manufacturers,
3 directly or indirectly, more than 465,000 gallons of beer
4 per annum; (3) shall not annually manufacture for sale
5 more than 465,000 gallons of beer or more than 155,000
6 gallons at any single brewery premises; and (4) shall not
7 annually sell more than 6,200 gallons of beer from each
8 in-state or out-of-state class 3 brewery premises, and
9 shall not exceed 18,600 gallons annually in the aggregate,
10 to retail licensees and class 3 brewers and to brewers,
11 class 1 brewers, and class 2 brewers that, pursuant to
12 subsection (e) of Section 6-4 of this Act, sell beer,
13 cider, or both beer and cider to non-licensees at their
14 breweries.

15 (D) A self-distribution exemption holder shall
16 annually certify to the State Commission its manufacture
17 of beer during the previous 12 months and its anticipated
18 manufacture and sales of beer for the next 12 months. The
19 State Commission may fine, suspend, or revoke a
20 self-distribution exemption after a hearing if it finds
21 that the exemption holder has made a material
22 misrepresentation in its application, violated a revenue
23 or alcoholic beverage law of Illinois, exceeded the
24 manufacture of 465,000 gallons of beer in any calendar
25 year or became part of an affiliated group manufacturing
26 more than 465,000 gallons of beer, or exceeded the sale to

1 retail licensees, brewers, class 1 brewers, class 2
2 brewers, and class 3 brewers of 6,200 gallons per brewery
3 location or 18,600 gallons in the aggregate.

4 (E) The State Commission may adopt rules governing
5 self-distribution exemptions consistent with this Act.

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

16 (G) It is the intent of this paragraph to promote and
17 continue orderly markets. The General Assembly finds that
18 in order to preserve Illinois' regulatory distribution
19 system, it is necessary to create an exception for smaller
20 manufacturers in order to afford and allow such smaller
21 manufacturers of beer access to the marketplace in order
22 to develop a customer base without impairing the integrity
23 of the 3-tier system.

24 (b) On or before April 30, 1999, the Commission shall
25 present a written report to the Governor and the General
26 Assembly that shall be based on a study of the impact of Public

1 Act 90-739 on the business of soliciting, selling, and
2 shipping alcoholic liquor from outside of this State directly
3 to residents of this State.

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

6 (i) the amount of State excise and sales tax revenues
7 generated as a result of Public Act 90-739;

8 (ii) the amount of licensing fees received as a result
9 of Public Act 90-739;

10 (iii) the number of reported violations, the number of
11 cease and desist notices issued by the Commission, the
12 number of notices of violations issued to the Department
13 of Revenue, and the number of notices and complaints of
14 violations to law enforcement officials.

15 (Source: P.A. 101-37, eff. 7-3-19; 101-81, eff. 7-12-19;
16 101-482, eff. 8-23-19; 102-442, eff. 8-20-21; 102-558, eff.
17 8-20-21; 102-813, eff. 5-13-22.)

18 (Text of Section after amendment by P.A. 104-451)

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

20 (a) The State Commission shall have the following powers,
21 functions, and duties:

22 (1) To receive applications and to issue licenses to
23 manufacturers, foreign importers, importing distributors,
24 distributors, non-resident dealers, on premise consumption
25 retailers, off premise sale retailers, special event

1 retailer licensees, special use permit licenses, auction
2 liquor licenses, brew pubs, caterer retailers,
3 non-beverage users, railroads, including owners and
4 lessees of sleeping, dining, and cafe cars, airplanes,
5 boats, brokers, and wine maker's premises licensees in
6 accordance with the provisions of this Act, and to suspend
7 or revoke such licenses upon the State Commission's
8 determination, upon notice after hearing, that a licensee
9 has violated any provision of this Act or any rule or
10 regulation issued pursuant thereto and in effect for 30
11 days prior to such violation. Except in the case of an
12 action taken pursuant to a violation of Section 6-3, 6-5,
13 or 6-9, any action by the State Commission to suspend or
14 revoke a licensee's license may be limited to the license
15 for the specific premises where the violation occurred. An
16 action for a violation of this Act shall be commenced by
17 the State Commission within 2 years after the date the
18 State Commission becomes aware of the violation.

19 In lieu of suspending or revoking a license, the State
20 Commission may impose a fine, upon the State Commission's
21 determination and notice after hearing, that a licensee
22 has violated any provision of this Act or any rule or
23 regulation issued pursuant thereto and in effect for 30
24 days prior to such violation.

25 For the purpose of this paragraph (1), when
26 determining multiple violations for the sale of alcohol to

1 a person under the age of 21, a second or subsequent
2 violation for the sale of alcohol to a person under the age
3 of 21 shall only be considered if it was committed within 5
4 years after the date when a prior violation for the sale of
5 alcohol to a person under the age of 21 was committed.

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

22 Any notice issued by the State Commission to a
23 licensee for a violation of this Act or any notice with
24 respect to settlement or offer in compromise shall include
25 the field report, photographs, and any other supporting
26 documentation necessary to reasonably inform the licensee

1 of the nature and extent of the violation or the conduct
2 alleged to have occurred. The failure to include such
3 required documentation shall result in the dismissal of
4 the action.

5 (2) To adopt such rules and regulations consistent
6 with the provisions of this Act which shall be necessary
7 to carry on its functions and duties to the end that the
8 health, safety, and welfare of the People of the State of
9 Illinois shall be protected and temperance in the
10 consumption of alcoholic liquors shall be fostered and
11 promoted and to distribute copies of such rules and
12 regulations to all licensees affected thereby.

13 (3) To call upon other administrative departments of
14 the State, county and municipal governments, county and
15 city police departments, and prosecuting officers for such
16 information and assistance as it deems necessary in the
17 performance of its duties.

18 (4) To recommend to local commissioners rules and
19 regulations, not inconsistent with the law, for the
20 distribution and sale of alcoholic liquors throughout the
21 State.

22 (5) To inspect, or cause to be inspected, any premises
23 in this State where alcoholic liquors are manufactured,
24 distributed, warehoused, or sold. Nothing in this Act
25 authorizes an agent of the State Commission to inspect
26 private areas within the premises without reasonable

1 suspicion or a warrant during an inspection. "Private
2 areas" includes, but is not limited to, safes, personal
3 property, and closed desks.

4 (5.1) Upon receipt of a complaint or upon having
5 knowledge that any person is engaged in business as a
6 manufacturer, importing distributor, distributor, or
7 retailer without a license or valid license, to conduct an
8 investigation. If, after conducting an investigation, the
9 State Commission is satisfied that the alleged conduct
10 occurred or is occurring, it may issue a cease and desist
11 notice as provided in this Act, impose civil penalties as
12 provided in this Act, notify the local liquor authority,
13 or file a complaint with the State's Attorney's Office of
14 the county where the incident occurred or the Attorney
15 General.

16 (5.2) Upon receipt of a complaint or upon having
17 knowledge that any person is shipping alcoholic liquor
18 into this State from a point outside of this State if the
19 shipment is in violation of this Act, to conduct an
20 investigation. If, after conducting an investigation, the
21 State Commission is satisfied that the alleged conduct
22 occurred or is occurring, it may issue a cease and desist
23 notice as provided in this Act, impose civil penalties as
24 provided in this Act, notify the foreign jurisdiction, or
25 file a complaint with the State's Attorney's Office of the
26 county where the incident occurred or the Attorney

1 General.

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 State Commission
10 has 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 State Commission is satisfied that the alleged
15 violation did occur, it shall proceed with disciplinary
16 action against the licensee as provided in this Act.

17 (5.4) To make arrests and issue notices of civil
18 violations where necessary for the enforcement of this
19 Act.

20 (5.5) To investigate any and all unlicensed activity.

21 (5.6) To impose civil penalties or fines to any person
22 who, without holding a valid license, engages in conduct
23 that requires a license pursuant to this Act, in an amount
24 not to exceed \$20,000 for each offense as determined by
25 the State Commission. A civil penalty shall be assessed by
26 the State Commission after a hearing is held in accordance

1 with the provisions set forth in this Act regarding the
2 provision of a hearing for the revocation or suspension of
3 a license.

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

10 (7) The State Commission shall establish uniform
11 systems of accounts to be kept by all retail licensees
12 having more than 4 employees, and, for this purpose, the
13 State Commission may classify all retail licensees having
14 more than 4 employees and establish a uniform system of
15 accounts for each class and prescribe the manner in which
16 such accounts shall be kept. The State Commission may also
17 prescribe the forms of accounts to be kept by all retail
18 licensees having more than 4 employees, including, but not
19 limited to, accounts of earnings and expenses and any
20 distribution, payment, or other distribution of earnings
21 or assets, and any other forms, records, and memoranda
22 which in the judgment of the State Commission may be
23 necessary or appropriate to carry out any of the
24 provisions of this Act, including, but not limited to,
25 such forms, records, and memoranda as will readily and
26 accurately disclose at all times the beneficial ownership

1 of such retail licensed business. The accounts, forms,
2 records, and memoranda shall be available at all
3 reasonable times for inspection by authorized
4 representatives of the State Commission or by any local
5 liquor control commissioner or his or her authorized
6 representative. The State Commission may, from time to
7 time, alter, amend, or repeal, in whole or in part, any
8 uniform system of accounts, or the form and manner of
9 keeping accounts.

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

25 Any circuit court may, by order duly entered, require
26 the attendance of witnesses and the production of relevant

1 books subpoenaed by the State Commission and the court may
2 compel obedience to its order by proceedings for contempt.

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

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

15 (11) To develop industry educational programs related
16 to responsible serving and selling, particularly in the
17 areas of overserving consumers and illegal underage
18 purchasing and consumption of alcoholic beverages.

19 (11.1) To license persons providing education and
20 training to alcohol beverage sellers and servers for
21 mandatory and non-mandatory training under the Beverage
22 Alcohol Sellers and Servers Education and Training
23 (BASSET) programs and to develop and administer a public
24 awareness program in Illinois to reduce or eliminate the
25 illegal purchase and consumption of alcoholic beverage
26 products by persons under the age of 21. Application for a

1 license shall be made on forms provided by the State
2 Commission.

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

5 (13) (Blank).

6 (14) On or before April 30, 2008 and every 2 years
7 thereafter, the State Commission shall present a written
8 report to the Governor and the General Assembly that shall
9 be based on a study of the impact of Public Act 95-634 on
10 the business of soliciting, selling, and shipping wine
11 from inside and outside of this State directly to
12 residents of this State. As part of its report, the State
13 Commission shall provide all of the following 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
18 inside and outside of this State directly to residents
19 of this 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 State Commission; notices of violations issued by the

1 State 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
6 Bureau.

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

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

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

1 wine-maker's license, or a limited wine manufacturer's
2 license under this Act and annually produces less than
3 25,000 gallons of wine may make application to the State
4 Commission for a self-distribution exemption to allow the
5 sale of not more than 5,000 gallons of the exemption
6 holder's wine to retail licensees per year and to sell
7 cider, mead, or both cider and mead to brewers, class 1
8 brewers, class 2 brewers, class 3 brewers, and class 3
9 craft distillers that, pursuant to subsection (e) of
10 Section 6-4 of this Act, sell beer, cider, spirits, mead,
11 or any combination thereof to non-licensees at their
12 breweries or distilleries.

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

22 (C) The State Commission shall approve the application
23 for a self-distribution exemption if such person: (1) is
24 in compliance with State revenue and liquor laws; (2) is
25 not a member of any affiliated group that produces
26 directly or indirectly more than 25,000 gallons of wine

1 per annum, 930,000 gallons of beer per annum, or 50,000
2 gallons of spirits per annum; (3) will not annually
3 produce for sale more than 25,000 gallons of wine, 930,000
4 gallons of beer, or 50,000 gallons of spirits; and (4)
5 will not annually sell more than 5,000 gallons of its wine
6 to retail licensees.

7 (D) A self-distribution exemption holder shall
8 annually certify to the State Commission its production of
9 wine in the previous 12 months and its anticipated
10 production and sales for the next 12 months. The State
11 Commission may fine, suspend, or revoke a
12 self-distribution exemption after a hearing if it finds
13 that the exemption holder has made a material
14 misrepresentation in its application, violated a revenue
15 or liquor law of Illinois, exceeded production of 25,000
16 gallons of wine, 930,000 gallons of beer, or 50,000
17 gallons of spirits in any calendar year, or become part of
18 an affiliated group producing more than 25,000 gallons of
19 wine, 930,000 gallons of beer, or 50,000 gallons of
20 spirits.

21 (E) Except in hearings for violations of this Act or
22 Public Act 95-634 or a bona fide investigation by duly
23 sworn law enforcement officials, the State Commission, or
24 its agents, the State Commission shall maintain the
25 production and sales information of a self-distribution
26 exemption holder as confidential and shall not release

1 such information to any person.

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

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

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

21 (18)(A) A class 1 brewer licensee, who must also be
22 either a licensed brewer or licensed non-resident dealer
23 and annually manufacture less than 930,000 gallons of
24 beer, 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 per year of the exemption holder's

1 beer to retail licensees and to brewers, class 1 brewers,
2 and class 2 brewers that, pursuant to subsection (e) of
3 Section 6-4 of this Act, sell beer, cider, mead, or any
4 combination thereof to non-licensees at their breweries.

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

15 (C) Any application submitted shall be posted on the
16 State Commission's website at least 45 days prior to
17 action by the State Commission. The State Commission shall
18 approve the application for a self-distribution exemption
19 if the class 1 brewer licensee: (1) is in compliance with
20 the State, revenue, and alcoholic beverage laws; (2) is
21 not a member of any affiliated group that manufactures,
22 directly or indirectly, more than 930,000 gallons of beer
23 per annum, 25,000 gallons of wine per annum, or 50,000
24 gallons of spirits per annum; (3) shall not annually
25 manufacture for sale more than 930,000 gallons of beer,
26 25,000 gallons of wine, or 50,000 gallons of spirits; (4)

1 shall not annually sell more than 232,500 gallons of its
2 beer to retail licensees and class 3 brewers and to
3 brewers, class 1 brewers, and class 2 brewers that,
4 pursuant to subsection (e) of Section 6-4 of this Act,
5 sell beer, cider, mead, or any combination thereof to
6 non-licensees at their breweries; and (5) has relinquished
7 any brew pub license held by the licensee, including any
8 ownership interest it held in the licensed brew pub.

9 (D) A self-distribution exemption holder shall
10 annually certify to the State Commission its manufacture
11 of beer during the previous 12 months and its anticipated
12 manufacture and sales of beer for the next 12 months. The
13 State Commission may fine, suspend, or revoke a
14 self-distribution exemption after a hearing if it finds
15 that the exemption holder has made a material
16 misrepresentation in its application, violated a revenue
17 or alcoholic beverage law of Illinois, exceeded the
18 manufacture of 930,000 gallons of beer, 25,000 gallons of
19 wine, or 50,000 gallons of spirits in any calendar year or
20 became part of an affiliated group manufacturing more than
21 930,000 gallons of beer, 25,000 gallons of wine, or 50,000
22 gallons of spirits.

23 (E) The State Commission shall issue rules and
24 regulations governing self-distribution exemptions
25 consistent with this Act.

26 (F) Nothing in this paragraph (18) shall prohibit a

1 self-distribution exemption holder from entering into or
2 simultaneously having a distribution agreement with a
3 licensed Illinois importing distributor or a distributor.
4 If a self-distribution exemption holder enters into a
5 distribution agreement and has assigned distribution
6 rights to an importing distributor or distributor, then
7 the self-distribution exemption holder's distribution
8 rights in the assigned territories shall cease in a
9 reasonable time not to exceed 60 days.

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

18 (19) (A) A class 1 craft distiller licensee or a
19 non-resident dealer who manufactures less than 50,000
20 gallons of distilled spirits per year may make application
21 to the State Commission for a self-distribution exemption
22 to allow the sale of not more than 5,000 gallons of the
23 exemption holder's spirits to retail licensees per year.

24 (B) In the application, which shall be sworn under
25 penalty of perjury, the class 1 craft distiller licensee
26 or non-resident dealer shall state (1) the date it was

1 established; (2) its volume of spirits manufactured and
2 sold for each year since its establishment; (3) its
3 efforts to establish distributor relationships; (4) that a
4 self-distribution exemption is necessary to facilitate the
5 marketing of its spirits; and (5) that it will comply with
6 the alcoholic beverage and revenue laws of the United
7 States, this State, and any other state where it is
8 licensed.

9 (C) Any application submitted shall be posted on the
10 State Commission's website at least 45 days prior to
11 action by the State Commission. The State Commission shall
12 approve the application for a self-distribution exemption
13 if the applicant: (1) is in compliance with State revenue
14 and alcoholic beverage laws; (2) is not a member of any
15 affiliated group that produces more than 50,000 gallons of
16 spirits per annum, 930,000 gallons of beer per annum, or
17 25,000 gallons of wine per annum; (3) does not annually
18 manufacture for sale more than 50,000 gallons of spirits,
19 930,000 gallons of beer, or 25,000 gallons of wine; and
20 (4) does not annually sell more than 5,000 gallons of its
21 spirits to retail licensees.

22 (D) A self-distribution exemption holder shall
23 annually certify to the State Commission its manufacture
24 of spirits during the previous 12 months and its
25 anticipated manufacture and sales of spirits for the next
26 12 months. The State Commission may fine, suspend, or

1 revoke a self-distribution exemption after a hearing if it
2 finds that the exemption holder has made a material
3 misrepresentation in its application, violated a revenue
4 or alcoholic beverage law of Illinois, exceeded the
5 manufacture of 50,000 gallons of spirits, 930,000 gallons
6 of beer, or 25,000 gallons of wine in any calendar year, or
7 has become part of an affiliated group manufacturing more
8 than 50,000 gallons of spirits, 930,000 gallons of beer,
9 or 25,000 gallons of wine.

10 (E) The State Commission shall adopt rules governing
11 self-distribution exemptions consistent with this Act.

12 (F) Nothing in this paragraph (19) shall prohibit a
13 self-distribution exemption holder from entering into or
14 simultaneously having a distribution agreement with a
15 licensed Illinois importing distributor or a distributor.

16 (G) It is the intent of this paragraph (19) to promote
17 and continue orderly markets. The General Assembly finds
18 that in order to preserve Illinois' regulatory
19 distribution system, it is necessary to create an
20 exception for smaller manufacturers in order to afford and
21 allow such smaller manufacturers of spirits access to the
22 marketplace in order to develop a customer base without
23 impairing the integrity of the 3-tier system.

24 (20) (A) A class 3 brewer licensee who must manufacture
25 less than 465,000 gallons of beer in the aggregate and not
26 more than 155,000 gallons at any single brewery premises

1 may make application to the State Commission for a
2 self-distribution exemption to allow the sale of not more
3 than 6,200 gallons of beer from each in-state or
4 out-of-state class 3 brewery premises, which shall not
5 exceed 18,600 gallons annually in the aggregate, that is
6 manufactured at a wholly owned class 3 brewer's in-state
7 or out-of-state licensed premises to retail licensees and
8 class 3 brewers and to brewers, class 1 brewers, class 2
9 brewers that, pursuant to subsection (e) of Section 6-4,
10 sell beer, cider, or both beer and cider to non-licensees
11 at their licensed breweries.

12 (B) In the application, which shall be sworn under
13 penalty of perjury, the class 3 brewer licensee shall
14 state:

15 (1) the date it was established;

16 (2) its volume of beer manufactured and sold for
17 each year since its establishment;

18 (3) its efforts to establish distributor
19 relationships;

20 (4) that a self-distribution exemption is
21 necessary to facilitate the marketing of its beer; and

22 (5) that it will comply with the alcoholic
23 beverage and revenue laws of the United States, this
24 State, and any other state where it is licensed.

25 (C) Any application submitted shall be posted on the
26 State Commission's website at least 45 days before action

1 by the State Commission. The State Commission shall
2 approve the application for a self-distribution exemption
3 if the class 3 brewer licensee: (1) is in compliance with
4 the State, revenue, and alcoholic beverage laws; (2) is
5 not a member of any affiliated group that manufacturers,
6 directly or indirectly, more than 465,000 gallons of beer
7 per annum; (3) shall not annually manufacture for sale
8 more than 465,000 gallons of beer or more than 155,000
9 gallons at any single brewery premises; and (4) shall not
10 annually sell more than 6,200 gallons of beer from each
11 in-state or out-of-state class 3 brewery premises, and
12 shall not exceed 18,600 gallons annually in the aggregate,
13 to retail licensees and class 3 brewers and to brewers,
14 class 1 brewers, and class 2 brewers that, pursuant to
15 subsection (e) of Section 6-4 of this Act, sell beer,
16 cider, or both beer and cider to non-licensees at their
17 breweries.

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

1 manufacture of 465,000 gallons of beer in any calendar
2 year or became part of an affiliated group manufacturing
3 more than 465,000 gallons of beer, or exceeded the sale to
4 retail licensees, brewers, class 1 brewers, class 2
5 brewers, and class 3 brewers of 6,200 gallons per brewery
6 location or 18,600 gallons in the aggregate.

7 (E) The State Commission may adopt rules governing
8 self-distribution exemptions consistent with this Act.

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

19 (G) It is the intent of this paragraph to promote and
20 continue orderly markets. The General Assembly finds that
21 in order to preserve Illinois' regulatory distribution
22 system, it is necessary to create an exception for smaller
23 manufacturers in order to afford and allow such smaller
24 manufacturers of beer access to the marketplace in order
25 to develop a customer base without impairing the integrity
26 of the 3-tier system.

1 (21) (A) A class 3 craft distiller licensee who
2 manufactures less than 100,000 gallons of spirits in the
3 aggregate may make application to the State Commission for
4 a self-distribution exemption to allow the sale of not
5 more than 5,000 gallons of the exemption holder's spirits
6 per year that are manufactured at a wholly owned class 3
7 craft distiller's in-state or out-of-state licensed
8 premises to retail licensees and class 3 brewers and to
9 class 3 craft distillers that, pursuant to subsection (e)
10 of Section 6-4, sell beer, cider, spirits, or any
11 combination thereof to non-licensees at their licensed
12 distilleries.

13 (B) In the application, which shall be sworn under
14 penalty of perjury, the class 3 craft distiller licensee
15 shall state:

16 (1) the date it was established;

17 (2) its volume of spirits manufactured and sold
18 for each year since its establishment;

19 (3) its efforts to establish distributor
20 relationships;

21 (4) that a self-distribution exemption is
22 necessary to facilitate the marketing of its spirits;
23 and

24 (5) that it will comply with the alcoholic
25 beverage and revenue laws of the United States, this
26 State, and any other state where it is licensed.

1 (C) Any application submitted shall be posted on the
2 State Commission's website at least 45 days before action
3 by the State Commission. The State Commission shall
4 approve the application for a self-distribution exemption
5 if the class 3 craft distiller licensee:

6 (1) is in compliance with the State, revenue, and
7 alcoholic beverage laws;

8 (2) is not a member of any affiliated group that
9 manufacturers, directly or indirectly, more than
10 100,000 gallons of spirits per annum;

11 (3) shall not annually manufacture for sale more
12 than 100,000 gallons of spirits; and

13 (4) does not sell more than 5,000 gallons of its
14 spirits per year to retail licensees and class 3
15 brewers and to class 3 craft distillers that, pursuant
16 to subsection (e) of Section 6-4, sell beer, cider,
17 spirits, or any combination thereof to non-licensees
18 at their licensed distilleries.

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

1 or alcoholic beverage law of Illinois, exceeded the
2 manufacture of 100,000 gallons of spirits in any calendar
3 year, or became part of an affiliated group manufacturing
4 more than 100,000 gallons of spirits.

5 (E) The State Commission may adopt rules governing
6 self-distribution exemptions consistent with this Act.

7 (F) Nothing in this paragraph shall prohibit a
8 self-distribution exemption holder from entering into or
9 simultaneously having a distribution agreement with a
10 licensed Illinois importing distributor or a distributor.

11 (G) It is the intent of this paragraph to promote and
12 continue orderly markets. The General Assembly finds that,
13 in order to preserve Illinois' regulatory distribution
14 system, it is necessary to create an exception for smaller
15 manufacturers in order to afford and allow such smaller
16 manufacturers of spirits access to the marketplace in
17 order to develop a customer base without impairing the
18 integrity of the 3-tier system.

19 (b) On or before April 30, 1999, the Commission shall
20 present a written report to the Governor and the General
21 Assembly that shall be based on a study of the impact of Public
22 Act 90-739 on the business of soliciting, selling, and
23 shipping alcoholic liquor from outside of this State directly
24 to residents of this State.

25 As part of its report, the Commission shall provide the
26 following information:

1 (i) the amount of State excise and sales tax revenues
2 generated as a result of Public Act 90-739;

3 (ii) the amount of licensing fees received as a result
4 of Public Act 90-739;

5 (iii) the number of reported violations, the number of
6 cease and desist notices issued by the Commission, the
7 number of notices of violations issued to the Department
8 of Revenue, and the number of notices and complaints of
9 violations to law enforcement officials.

10 (Source: P.A. 104-451, eff. 7-1-26.)

11 (235 ILCS 5/5-1)

12 (Text of Section before amendment by P.A. 104-451, Section
13 5)

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

16 (a) Manufacturer's license - Class 1. Distiller, Class 2.
17 Rectifier, Class 3. Brewer, Class 4. First Class Wine
18 Manufacturer, Class 5. Second Class Wine Manufacturer, Class
19 6. First Class Winemaker, Class 7. Second Class Winemaker,
20 Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller,
21 Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft
22 Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,
23 Class 14. Class 3 Brewer,

24 (b) Distributor's license,

25 (c) Importing Distributor's license,

- 1 (d) Retailer's license,
- 2 (e) Special Event Retailer's license (not-for-profit),
- 3 (f) Railroad license,
- 4 (g) Boat license,
- 5 (h) Non-Beverage User's license,
- 6 (i) Wine-maker's premises license,
- 7 (j) Airplane license,
- 8 (k) Foreign importer's license,
- 9 (l) Broker's license,
- 10 (m) Non-resident dealer's license,
- 11 (n) Brew Pub license,
- 12 (o) Auction liquor license,
- 13 (p) Caterer retailer license,
- 14 (q) Special use permit license,
- 15 (r) Winery shipper's license,
- 16 (s) Craft distiller tasting permit,
- 17 (t) Brewer warehouse permit,
- 18 (u) Distilling pub license,
- 19 (v) Craft distiller warehouse permit,
- 20 (w) Beer showcase permit.

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

25 (a) A manufacturer's license shall allow the manufacture,
26 importation in bulk, storage, distribution and sale of

1 alcoholic liquor to persons without the State, as may be
2 permitted by law, and to licensees in this State as follows:

3 Class 1. A Distiller may make sales and deliveries of
4 alcoholic liquor to distillers, rectifiers, importing
5 distributors, distributors, and non-beverage users and to no
6 other licensees.

7 Class 2. A Rectifier, who is not a distiller, as defined
8 herein, may make sales and deliveries of alcoholic liquor to
9 rectifiers, importing distributors, distributors, ~~retailers,~~
10 and non-beverage users and to no other licensees.

11 Class 3. A Brewer may make sales and deliveries of beer to
12 importing distributors and distributors and may make sales as
13 authorized under subsection (e) of Section 6-4 of this Act,
14 including any alcoholic liquor that subsection (e) of Section
15 6-4 authorizes a brewer to sell in its original package only to
16 a non-licensee for pick-up by a non-licensee either within the
17 interior of the brewery premises or outside of the brewery
18 premises at a curb-side or parking lot adjacent to the brewery
19 premises, subject to any local ordinance.

20 Class 4. A first class wine-manufacturer may make sales
21 and deliveries of up to 50,000 gallons of wine to
22 manufacturers, importing distributors and distributors, and to
23 no other licensees. If a first-class wine-manufacturer
24 manufactures beer, it shall also obtain and shall only be
25 eligible for, in addition to any current license, a class 1
26 brewer license, shall not manufacture more than 930,000

1 gallons of beer per year, and shall not be a member of or
2 affiliated with, directly or indirectly, a manufacturer that
3 produces more than 930,000 gallons of beer per year. If the
4 first-class wine-manufacturer manufactures spirits, it shall
5 also obtain and shall only be eligible for, in addition to any
6 current license, a class 1 craft distiller license, shall not
7 manufacture more than 50,000 gallons of spirits per year, and
8 shall not be a member of or affiliated with, directly or
9 indirectly, a manufacturer that produces more than 50,000
10 gallons of spirits per year. A first-class wine-manufacturer
11 shall be permitted to sell wine manufactured at the
12 first-class wine-manufacturer premises to non-licensees.

13 Class 5. A second class wine manufacturer may make sales
14 and deliveries of more than 50,000 gallons of wine to
15 manufacturers, importing distributors and distributors and to
16 no other licensees.

17 Class 6. A first-class wine-maker's license shall allow
18 the manufacture of up to 50,000 gallons of wine per year and
19 the storage and sale of such wine to distributors in the State
20 and to persons without the State, as may be permitted by law. A
21 person who, prior to June 1, 2008 (the effective date of Public
22 Act 95-634), is a holder of a first-class wine-maker's license
23 and annually produces more than 25,000 gallons of its own wine
24 and who distributes its wine to licensed retailers shall cease
25 this practice on or before July 1, 2008 in compliance with
26 Public Act 95-634. If a first-class wine-maker manufactures

1 beer, it shall also obtain and shall only be eligible for, in
2 addition to any current license, a class 1 brewer license,
3 shall not manufacture more than 930,000 gallons of beer per
4 year, and shall not be a member of or affiliated with, directly
5 or indirectly, a manufacturer that produces more than 930,000
6 gallons of beer per year. If the first-class wine-maker
7 manufactures spirits, it shall also obtain and shall only be
8 eligible for, in addition to any current license, a class 1
9 craft distiller license, shall not manufacture more than
10 50,000 gallons of spirits per year, and shall not be a member
11 of or affiliated with, directly or indirectly, a manufacturer
12 that produces more than 50,000 gallons of spirits per year. A
13 first-class wine-maker holding a class 1 brewer license or a
14 class 1 craft distiller license shall not be eligible for a
15 wine-maker's premises license but shall be permitted to sell
16 wine manufactured at the first-class wine-maker premises to
17 non-licensees.

18 Class 7. A second-class wine-maker's license shall allow
19 the manufacture of up to 150,000 gallons of wine per year, and
20 the storage and sale of such wine to distributors in this State
21 and to persons without the State, as may be permitted by law. A
22 person who, prior to June 1, 2008 (the effective date of Public
23 Act 95-634), is a holder of a second-class wine-maker's
24 license and annually produces more than 25,000 gallons of its
25 own wine and who distributes its wine to licensed retailers
26 shall cease this practice on or before July 1, 2008 in

1 compliance with Public Act 95-634. If a second-class
2 wine-maker manufactures beer, it shall also obtain and shall
3 only be eligible for, in addition to any current license, a
4 class 2 brewer license, shall not manufacture more than
5 3,720,000 gallons of beer per year, and shall not be a member
6 of or affiliated with, directly or indirectly, a manufacturer
7 that produces more than 3,720,000 gallons of beer per year. If
8 a second-class wine-maker manufactures spirits, it shall also
9 obtain and shall only be eligible for, in addition to any
10 current license, a class 2 craft distiller license, shall not
11 manufacture more than 100,000 gallons of spirits per year, and
12 shall not be a member of or affiliated with, directly or
13 indirectly, a manufacturer that produces more than 100,000
14 gallons of spirits per year.

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

19 Class 9. A craft distiller license, which may only be held
20 by a class 1 craft distiller licensee or class 2 craft
21 distiller licensee but not held by both a class 1 craft
22 distiller licensee and a class 2 craft distiller licensee,
23 shall grant all rights conveyed by either: (i) a class 1 craft
24 distiller license if the craft distiller holds a class 1 craft
25 distiller license; or (ii) a class 2 craft distiller licensee
26 if the craft distiller holds a class 2 craft distiller

1 license.

2 Class 10. A class 1 craft distiller license, which may
3 only be issued to a licensed craft distiller or licensed
4 non-resident dealer, shall allow the manufacture of up to
5 50,000 gallons of spirits per year provided that the class 1
6 craft distiller licensee does not manufacture more than a
7 combined 50,000 gallons of spirits per year and is not a member
8 of or affiliated with, directly or indirectly, a manufacturer
9 that produces more than 50,000 gallons of spirits per year. If
10 a class 1 craft distiller manufactures beer, it shall also
11 obtain and shall only be eligible for, in addition to any
12 current license, a class 1 brewer license, shall not
13 manufacture more than 930,000 gallons of beer per year, and
14 shall not be a member of or affiliated with, directly or
15 indirectly, a manufacturer that produces more than 930,000
16 gallons of beer per year. If a class 1 craft distiller
17 manufactures wine, it shall also obtain and shall only be
18 eligible for, in addition to any current license, a
19 first-class wine-manufacturer license or a first-class
20 wine-maker's license, shall not manufacture more than 50,000
21 gallons of wine per year, and shall not be a member of or
22 affiliated with, directly or indirectly, a manufacturer that
23 produces more than 50,000 gallons of wine per year. A class 1
24 craft distiller licensee may make sales and deliveries to
25 importing distributors and distributors and to retail
26 licensees in accordance with the conditions set forth in

1 paragraph (19) of subsection (a) of Section 3-12 of this Act.
2 However, the aggregate amount of spirits sold to non-licensees
3 and sold or delivered to retail licensees may not exceed 5,000
4 gallons per year.

5 A class 1 craft distiller licensee may sell up to 5,000
6 gallons of such spirits to non-licensees to the extent
7 permitted by any exemption approved by the State Commission
8 pursuant to Section 6-4 of this Act. A class 1 craft distiller
9 license holder may store such spirits at a non-contiguous
10 licensed location, but at no time shall a class 1 craft
11 distiller license holder directly or indirectly produce in the
12 aggregate more than 50,000 gallons of spirits per year.

13 A class 1 craft distiller licensee may hold more than one
14 class 1 craft distiller's license. However, a class 1 craft
15 distiller that holds more than one class 1 craft distiller
16 license shall not manufacture, in the aggregate, more than
17 50,000 gallons of spirits by distillation per year and shall
18 not sell, in the aggregate, more than 5,000 gallons of such
19 spirits to non-licensees in accordance with an exemption
20 approved by the State Commission pursuant to Section 6-4 of
21 this Act.

22 Class 11. A class 2 craft distiller license, which may
23 only be issued to a licensed craft distiller or licensed
24 non-resident dealer, shall allow the manufacture of up to
25 100,000 gallons of spirits per year provided that the class 2
26 craft distiller licensee does not manufacture more than a

1 combined 100,000 gallons of spirits per year and is not a
2 member of or affiliated with, directly or indirectly, a
3 manufacturer that produces more than 100,000 gallons of
4 spirits per year. If a class 2 craft distiller manufactures
5 beer, it shall also obtain and shall only be eligible for, in
6 addition to any current license, a class 2 brewer license,
7 shall not manufacture more than 3,720,000 gallons of beer per
8 year, and shall not be a member of or affiliated with, directly
9 or indirectly, a manufacturer that produces more than
10 3,720,000 gallons of beer per year. If a class 2 craft
11 distiller manufactures wine, it shall also obtain and shall
12 only be eligible for, in addition to any current license, a
13 second-class wine-maker's license, shall not manufacture more
14 than 150,000 gallons of wine per year, and shall not be a
15 member of or affiliated with, directly or indirectly, a
16 manufacturer that produces more than 150,000 gallons of wine
17 per year. A class 2 craft distiller licensee may make sales and
18 deliveries to importing distributors and distributors, but
19 shall not make sales or deliveries to any other licensee. If
20 the State Commission provides prior approval, a class 2 craft
21 distiller licensee may annually transfer up to 100,000 gallons
22 of spirits manufactured by that class 2 craft distiller
23 licensee to the premises of a licensed class 2 craft distiller
24 wholly owned and operated by the same licensee. A class 2 craft
25 distiller may transfer spirits to a distilling pub wholly
26 owned and operated by the class 2 craft distiller subject to

1 the following limitations and restrictions: (i) the transfer
2 shall not annually exceed more than 5,000 gallons; (ii) the
3 annual amount transferred shall reduce the distilling pub's
4 annual permitted production limit; (iii) all spirits
5 transferred shall be subject to Article VIII of this Act; (iv)
6 a written record shall be maintained by the distiller and
7 distilling pub specifying the amount, date of delivery, and
8 receipt of the product by the distilling pub; and (v) the
9 distilling pub shall be located no farther than 80 miles from
10 the class 2 craft distiller's licensed location.

11 A class 2 craft distiller shall, prior to transferring
12 spirits to a distilling pub wholly owned by the class 2 craft
13 distiller, furnish a written notice to the State Commission of
14 intent to transfer spirits setting forth the name and address
15 of the distilling pub and shall annually submit to the State
16 Commission a verified report identifying the total gallons of
17 spirits transferred to the distilling pub wholly owned by the
18 class 2 craft distiller.

19 A class 2 craft distiller license holder may store such
20 spirits at a non-contiguous licensed location, but at no time
21 shall a class 2 craft distiller license holder directly or
22 indirectly produce in the aggregate more than 100,000 gallons
23 of spirits per year.

24 Class 12. A class 1 brewer license, which may only be
25 issued to a licensed brewer or licensed non-resident dealer,
26 shall allow the manufacture of up to 930,000 gallons of beer

1 per year provided that the class 1 brewer licensee does not
2 manufacture more than a combined 930,000 gallons of beer per
3 year and is not a member of or affiliated with, directly or
4 indirectly, a manufacturer that produces more than 930,000
5 gallons of beer per year. If a class 1 brewer manufactures
6 spirits, it shall also obtain and shall only be eligible for,
7 in addition to any current license, a class 1 craft distiller
8 license, shall not manufacture more than 50,000 gallons of
9 spirits per year, and shall not be a member of or affiliated
10 with, directly or indirectly, a manufacturer that produces
11 more than 50,000 gallons of spirits per year. If a class 1
12 craft brewer manufactures wine, it shall also obtain and shall
13 only be eligible for, in addition to any current license, a
14 first-class wine-manufacturer license or a first-class
15 wine-maker's license, shall not manufacture more than 50,000
16 gallons of wine per year, and shall not be a member of or
17 affiliated with, directly or indirectly, a manufacturer that
18 produces more than 50,000 gallons of wine per year. A class 1
19 brewer licensee may make sales and deliveries to importing
20 distributors and distributors and to retail licensees in
21 accordance with the conditions set forth in paragraph (18) of
22 subsection (a) of Section 3-12 of this Act. If the State
23 Commission provides prior approval, a class 1 brewer may
24 annually transfer up to 930,000 gallons of beer manufactured
25 by that class 1 brewer to the premises of a licensed class 1
26 brewer wholly owned and operated by the same licensee.

1 Class 13. A class 2 brewer license, which may only be
2 issued to a licensed brewer or licensed non-resident dealer,
3 shall allow the manufacture of up to 3,720,000 gallons of beer
4 per year provided that the class 2 brewer licensee does not
5 manufacture more than a combined 3,720,000 gallons of beer per
6 year and is not a member of or affiliated with, directly or
7 indirectly, a manufacturer that produces more than 3,720,000
8 gallons of beer per year. If a class 2 brewer manufactures
9 spirits, it shall also obtain and shall only be eligible for,
10 in addition to any current license, a class 2 craft distiller
11 license, shall not manufacture more than 100,000 gallons of
12 spirits per year, and shall not be a member of or affiliated
13 with, directly or indirectly, a manufacturer that produces
14 more than 100,000 gallons of spirits per year. If a class 2
15 craft distiller manufactures wine, it shall also obtain and
16 shall only be eligible for, in addition to any current
17 license, a second-class wine-maker's license, shall not
18 manufacture more than 150,000 gallons of wine per year, and
19 shall not be a member of or affiliated with, directly or
20 indirectly, a manufacturer that produces more than 150,000
21 gallons of wine a year. A class 2 brewer licensee may make
22 sales and deliveries to importing distributors and
23 distributors, but shall not make sales or deliveries to any
24 other licensee. If the State Commission provides prior
25 approval, a class 2 brewer licensee may annually transfer up
26 to 3,720,000 gallons of beer manufactured by that class 2

1 brewer licensee to the premises of a licensed class 2 brewer
2 wholly owned and operated by the same licensee.

3 A class 2 brewer may transfer beer to a brew pub wholly
4 owned and operated by the class 2 brewer subject to the
5 following limitations and restrictions: (i) the transfer shall
6 not annually exceed more than 31,000 gallons; (ii) the annual
7 amount transferred shall reduce the brew pub's annual
8 permitted production limit; (iii) all beer transferred shall
9 be subject to Article VIII of this Act; (iv) a written record
10 shall be maintained by the brewer and brew pub specifying the
11 amount, date of delivery, and receipt of the product by the
12 brew pub; and (v) the brew pub shall be located no farther than
13 80 miles from the class 2 brewer's licensed location.

14 A class 2 brewer shall, prior to transferring beer to a
15 brew pub wholly owned by the class 2 brewer, furnish a written
16 notice to the State Commission of intent to transfer beer
17 setting forth the name and address of the brew pub and shall
18 annually submit to the State Commission a verified report
19 identifying the total gallons of beer transferred to the brew
20 pub wholly owned by the class 2 brewer.

21 Class 14. A class 3 brewer license, which may be issued to
22 a brewer or a non-resident dealer, shall allow the manufacture
23 of no more than 465,000 gallons of beer per year and no more
24 than 155,000 gallons at a single brewery premises, and shall
25 allow the sale of no more than 6,200 gallons of beer from each
26 in-state or out-of-state class 3 brewery premises, or 18,600

1 gallons in the aggregate, to retail licensees, class 1
2 brewers, class 2 brewers, and class 3 brewers as long as the
3 class 3 brewer licensee does not manufacture more than a
4 combined 465,000 gallons of beer per year and is not a member
5 of or affiliated with, directly or indirectly, a manufacturer
6 that produces more than 465,000 gallons of beer per year to
7 make sales to importing distributors, distributors, retail
8 licensees, brewers, class 1 brewers, class 2 brewers, and
9 class 3 brewers in accordance with the conditions set forth in
10 paragraph (20) of subsection (a) of Section 3-12. If the State
11 Commission provides prior approval, a class 3 brewer may
12 annually transfer up to 155,000 gallons of beer manufactured
13 by that class 3 brewer to the premises of a licensed class 3
14 brewer wholly owned and operated by the same licensee. A class
15 3 brewer shall manufacture beer at the brewer's class 3
16 designated licensed premises, and may sell beer as otherwise
17 provided in this Act.

18 (a-1) A manufacturer that is licensed in this State to
19 make sales or deliveries of alcoholic liquor to licensed
20 distributors or importing distributors and which enlists
21 agents, representatives, or individuals acting on its behalf
22 who contact licensed retailers on a regular and continual
23 basis in this State must register those agents,
24 representatives, or persons acting on its behalf with the
25 State Commission.

26 Registration of agents, representatives, or persons acting

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

17 (b) A distributor's license shall allow (i) the wholesale
18 purchase and storage of alcoholic liquors and sale of
19 alcoholic liquors to licensees in this State and to persons
20 without the State, as may be permitted by law; (ii) the sale of
21 beer, cider, mead, or any combination thereof to brewers,
22 class 1 brewers, and class 2 brewers that, pursuant to
23 subsection (e) of Section 6-4 of this Act, sell beer, cider,
24 mead, or any combination thereof to non-licensees at their
25 breweries; (iii) the sale of vermouth to class 1 craft
26 distillers and class 2 craft distillers that, pursuant to

1 subsection (e) of Section 6-4 of this Act, sell spirits,
2 vermouth, or both spirits and vermouth to non-licensees at
3 their distilleries; or (iv) as otherwise provided in this Act.
4 No person licensed as a distributor shall be granted a
5 non-resident dealer's license.

6 (c) An importing distributor's license may be issued to
7 and held by those only who are duly licensed distributors,
8 upon the filing of an application by a duly licensed
9 distributor, with the State Commission and the State
10 Commission shall, without the payment of any fee, immediately
11 issue such importing distributor's license to the applicant,
12 which shall allow the importation of alcoholic liquor by the
13 licensee into this State from any point in the United States
14 outside this State, and the purchase of alcoholic liquor in
15 barrels, casks, or other bulk containers and the bottling of
16 such alcoholic liquors before resale thereof, but all bottles
17 or containers so filled shall be sealed, labeled, stamped, and
18 otherwise made to comply with all provisions, rules, and
19 regulations governing manufacturers in the preparation and
20 bottling of alcoholic liquors. The importing distributor's
21 license shall permit such licensee to purchase alcoholic
22 liquor from Illinois licensed non-resident dealers and foreign
23 importers only. No person licensed as an importing distributor
24 shall be granted a non-resident dealer's license.

25 (d) A retailer's license shall allow the licensee to sell
26 and offer for sale at retail, in or from the premises specified

1 in the license, alcoholic liquor for use or consumption, but
2 not for resale in any form except as otherwise provided in this
3 Act. Except as provided in Section 6-16, 6-29, or 6-29.1,
4 nothing in this Act shall deny, limit, remove, or restrict the
5 ability of a holder of a retailer's license to transfer or ship
6 alcoholic liquor to the purchaser for use or consumption
7 subject to any applicable local law or ordinance. For the
8 purposes of this Section, "shipping" means the movement of
9 alcoholic liquor from a licensed retailer to a consumer via a
10 common carrier. Except as provided in Section 6-16, 6-29, or
11 6-29.1, nothing in this Act shall deny, limit, remove, or
12 restrict the ability of a holder of a retailer's license to
13 deliver alcoholic liquor to the purchaser for use or
14 consumption. The delivery shall be made only within 12 hours
15 from the time the alcoholic liquor leaves the licensed
16 premises of the retailer for delivery. For the purposes of
17 this Section, "delivery" means the movement of alcoholic
18 liquor purchased from a licensed retailer to a consumer
19 through the following methods:

20 (1) delivery within licensed retailer's parking lot,
21 including curbside, for pickup by the consumer;

22 (2) delivery by an owner, officer, director,
23 shareholder, or employee of the licensed retailer; or

24 (3) delivery by a third-party contractor, independent
25 contractor, or agent with whom the licensed retailer has
26 contracted to make deliveries of alcoholic liquors.

1 Under paragraph (1), (2), or (3), delivery shall not
2 include the use of common carriers.

3 A retail licensee may use any website, mobile application,
4 or similar platform that facilitates the sale or delivery of
5 food, beverages, or goods and is owned or operated by the
6 retail licensee, third-party contractor, an independent
7 contractor, or an agent with whom the licensed retailer has
8 contracted to facilitate deliveries or sales of alcoholic
9 liquors under this Section. The use of any website, mobile
10 application, or similar platform to facilitate deliveries or
11 sales of alcoholic liquors shall not be considered an illegal
12 sale, resale, transfer, barter, or exchange of alcohol under
13 this Act.

14 Any retail license issued to a manufacturer shall only
15 permit the manufacturer to sell beer at retail on the premises
16 actually occupied by the manufacturer. For the purpose of
17 further describing the type of business conducted at a retail
18 licensed premises, a retailer's licensee may be designated by
19 the State Commission as (i) an on premise consumption
20 retailer, (ii) an off premise sale retailer, or (iii) a
21 combined on premise consumption and off premise sale retailer.

22 Except for a municipality with a population of more than
23 1,000,000 inhabitants, a home rule unit may not regulate the
24 delivery of alcoholic liquor or require a retail licensee to
25 obtain a separate or additional license for the delivery of
26 alcoholic liquor. This paragraph is a limitation under

1 subsection (i) of Section 6 of Article VII of the Illinois
2 Constitution on the concurrent exercise by home rule units of
3 powers and functions exercised by the State. A non-home rule
4 municipality may not regulate the delivery of alcoholic liquor
5 or require a retail licensee to obtain a separate or
6 additional license for the delivery of alcoholic liquor.

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

11 The requirements in subsection (b-5) of Section 6-29 apply
12 only to a winery shipper licensee that ships wine via common
13 carrier and do not apply to a winery shipper licensee or a
14 retail licensee that delivers, or causes to be delivered,
15 alcohol pursuant to the methods outlined in item (1), (2), or
16 (3) of this subsection.

17 Except as provided in this Section, for a manufacturer
18 with a retail license, nothing in this Section shall be
19 construed to prohibit an on-premises consumption retailer,
20 off-premises sale retailer, or combined on-premises
21 consumption and off-premises sale retailer from delivering
22 alcohol pursuant to this Section.

23 A retail licensee shall contract only with a third-party
24 contractor, independent contractor, or agent to facilitate or
25 make deliveries of alcoholic liquors that has a policy to
26 verify the age of the person to whom the alcoholic liquor is

1 being delivered based on the person's valid proof of identity
2 indicating the person is age 21 or over. A retail licensee
3 shall not be civilly liable for sales or deliveries made to
4 intoxicated persons or persons under the age of 21 if the
5 delivery of alcoholic liquor was conducted by a third-party
6 contractor, independent contractor, or agent with whom the
7 licensed retailer has contracted to make deliveries of
8 alcoholic liquor.

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

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

13 Nothing in this Act prohibits an Illinois licensed
14 distributor from offering credit or a refund for unused,
15 salable alcoholic liquors to a holder of a special event
16 retailer's license or the special event retailer's licensee
17 from accepting the credit or refund of alcoholic liquors at
18 the conclusion of the event specified in the license.

19 (f) A railroad license shall permit the licensee to import
20 alcoholic liquors into this State from any point in the United
21 States outside this State and to store such alcoholic liquors
22 in this State; to make wholesale purchases of alcoholic
23 liquors directly from manufacturers, foreign importers,
24 distributors and importing distributors from within or outside
25 this State; and to store such alcoholic liquors in this State;
26 provided that the above powers may be exercised only in

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

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

20 (h) A non-beverage user's license shall allow the licensee
21 to purchase alcoholic liquor from a licensed manufacturer or
22 importing distributor, without the imposition of any tax upon
23 the business of such licensed manufacturer or importing
24 distributor as to such alcoholic liquor to be used by such
25 licensee solely for the non-beverage purposes set forth in
26 subsection (a) of Section 8-1 of this Act, and such licenses

1 shall be divided and classified and shall permit the purchase,
2 possession, and use of limited and stated quantities of
3 alcoholic liquor as follows:

4 Class 1, not to exceed 500 gallons

5 Class 2, not to exceed 1,000 gallons

6 Class 3, not to exceed 5,000 gallons

7 Class 4, not to exceed 10,000 gallons

8 Class 5, not to exceed 50,000 gallons

9 (i) A wine-maker's premises license shall allow a licensee
10 that concurrently holds a first-class wine-maker's license to
11 sell and offer for sale at retail in the premises specified in
12 such license not more than 50,000 gallons of the first-class
13 wine-maker's wine that is made at the first-class wine-maker's
14 licensed premises per year for use or consumption, but not for
15 resale in any form. A wine-maker's premises license shall
16 allow a licensee who concurrently holds a second-class
17 wine-maker's license to sell and offer for sale at retail in
18 the premises specified in such license up to 100,000 gallons
19 of the second-class wine-maker's wine that is made at the
20 second-class wine-maker's licensed premises per year for use
21 or consumption but not for resale in any form. A first-class
22 wine-maker that concurrently holds a class 1 brewer license or
23 a class 1 craft distiller license shall not be eligible to hold
24 a wine-maker's premises license. A wine-maker's premises
25 license shall allow a licensee that concurrently holds a
26 first-class wine-maker's license or a second-class

1 wine-maker's license to sell and offer for sale at retail at
2 the premises specified in the wine-maker's premises license,
3 for use or consumption but not for resale in any form, any
4 beer, wine, and spirits purchased from a licensed distributor.
5 Upon approval from the State Commission, a wine-maker's
6 premises license shall allow the licensee to sell and offer
7 for sale at (i) the wine-maker's licensed premises and (ii) up
8 to 2 additional locations for use and consumption and not for
9 resale. Each location shall require additional licensing per
10 location as specified in Section 5-3 of this Act. A
11 wine-maker's premises licensee shall secure liquor liability
12 insurance coverage in an amount at least equal to the maximum
13 liability amounts set forth in subsection (a) of Section 6-21
14 of this Act.

15 (j) An airplane license shall permit the licensee to
16 import alcoholic liquors into this State from any point in the
17 United States outside this State and to store such alcoholic
18 liquors in this State; to make wholesale purchases of
19 alcoholic liquors directly from manufacturers, foreign
20 importers, distributors, and importing distributors from
21 within or outside this State; and to store such alcoholic
22 liquors in this State; provided that the above powers may be
23 exercised only in connection with the importation, purchase,
24 or storage of alcoholic liquors to be sold or dispensed on an
25 airplane; and provided further, that airplane licensees
26 exercising the above powers shall be subject to all provisions

1 of Article VIII of this Act as applied to importing
2 distributors. An airplane licensee shall also permit the sale
3 or dispensing of alcoholic liquors on any passenger airplane
4 regularly operated by a common carrier in this State, but
5 shall not permit the sale for resale of any alcoholic liquors
6 to any licensee within this State. A single airplane license
7 shall be required of an airline company if liquor service is
8 provided on board aircraft in this State. The annual fee for
9 such license shall be as determined in Section 5-3.

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

25 (l) (i) A broker's license shall be required of all
26 persons who solicit orders for, offer to sell, or offer to

1 supply alcoholic liquor to retailers in the State of Illinois,
2 or who offer to retailers to ship or cause to be shipped or to
3 make contact with distillers, craft distillers, rectifiers,
4 brewers or manufacturers or any other party within or without
5 the State of Illinois in order that alcoholic liquors be
6 shipped to a distributor, importing distributor, or foreign
7 importer, whether such solicitation or offer is consummated
8 within or without the State of Illinois.

9 No holder of a retailer's license issued by the Illinois
10 Liquor Control Commission shall purchase or receive any
11 alcoholic liquor, the order for which was solicited or offered
12 for sale to such retailer by a broker unless the broker is the
13 holder of a valid broker's license.

14 The broker shall, upon the acceptance by a retailer of the
15 broker's solicitation of an order or offer to sell or supply or
16 deliver or have delivered alcoholic liquors, promptly forward
17 to the Illinois Liquor Control Commission a notification of
18 said transaction in such form as the State Commission may by
19 regulations prescribe.

20 (ii) A broker's license shall be required of a person
21 within this State, other than a retail licensee, who, for a fee
22 or commission, promotes, solicits, or accepts orders for
23 alcoholic liquor, for use or consumption and not for resale,
24 to be shipped from this State and delivered to residents
25 outside of this State by an express company, common carrier,
26 or contract carrier. This Section does not apply to any person

1 who promotes, solicits, or accepts orders for wine as
2 specifically authorized in Section 6-29 of this Act.

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

7 This subsection (1) shall not apply to distributors,
8 employees of distributors, or employees of a manufacturer who
9 has registered the trademark, brand, or name of the alcoholic
10 liquor pursuant to Section 6-9 of this Act, and who regularly
11 sells such alcoholic liquor in the State of Illinois only to
12 its registrants thereunder.

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

16 (m) A non-resident dealer's license shall permit such
17 licensee to ship into and warehouse alcoholic liquor into this
18 State from any point outside of this State, and to sell such
19 alcoholic liquor to Illinois licensed foreign importers and
20 importing distributors and to no one else in this State;
21 provided that (i) said non-resident dealer shall register with
22 the Illinois Liquor Control Commission each and every brand of
23 alcoholic liquor which it proposes to sell to Illinois
24 licensees during the license period, (ii) it shall comply with
25 all of the provisions of Section 6-9 hereof with respect to
26 registration of such Illinois licensees as may be granted the

1 right to sell such brands at wholesale by duly filing such
2 registration statement, thereby authorizing the non-resident
3 dealer to proceed to sell such brands at wholesale, and (iii)
4 the non-resident dealer shall comply with the provisions of
5 Sections 6-5 and 6-6 of this Act to the same extent that these
6 provisions apply to manufacturers. No person licensed as a
7 non-resident dealer shall be granted a distributor's or
8 importing distributor's license.

9 (n) A brew pub license shall allow the licensee to only (i)
10 manufacture up to 155,000 gallons of beer per year only on the
11 premises specified in the license, (ii) make sales of the beer
12 manufactured on the premises or, with the approval of the
13 State Commission, beer manufactured on another brew pub
14 licensed premises that is wholly owned and operated by the
15 same licensee to importing distributors, distributors, and
16 non-licensees for use and consumption, (iii) store the beer
17 upon the premises, (iv) sell and offer for sale at retail from
18 the licensed premises for off-premises consumption no more
19 than 155,000 gallons per year so long as such sales are only
20 made in-person, (v) sell and offer for sale at retail for use
21 and consumption on the premises specified in the license any
22 form of alcoholic liquor purchased from a licensed distributor
23 or importing distributor, (vi) with the prior approval of the
24 State Commission, annually transfer no more than 155,000
25 gallons of beer manufactured on the premises to a licensed
26 brew pub wholly owned and operated by the same licensee, and

1 (vii) notwithstanding item (i) of this subsection, brew pubs
2 wholly owned and operated by the same licensee may combine
3 each location's production limit of 155,000 gallons of beer
4 per year and allocate the aggregate total between the wholly
5 owned, operated, and licensed locations.

6 A brew pub licensee shall not under any circumstance sell
7 or offer for sale beer manufactured by the brew pub licensee to
8 retail licensees.

9 A person who holds a class 2 brewer license may
10 simultaneously hold a brew pub license if the class 2 brewer
11 (i) does not, under any circumstance, sell or offer for sale
12 beer manufactured by the class 2 brewer to retail licensees;
13 (ii) does not hold more than 3 brew pub licenses in this State;
14 (iii) does not manufacture more than a combined 3,720,000
15 gallons of beer per year, including the beer manufactured at
16 the brew pub; and (iv) is not a member of or affiliated with,
17 directly or indirectly, a manufacturer that produces more than
18 3,720,000 gallons of beer per year or any other alcoholic
19 liquor.

20 Notwithstanding any other provision of this Act, a
21 licensed brewer, class 2 brewer, or non-resident dealer who
22 before July 1, 2015 manufactured less than 3,720,000 gallons
23 of beer per year and held a brew pub license on or before July
24 1, 2015 may (i) continue to qualify for and hold that brew pub
25 license for the licensed premises and (ii) manufacture more
26 than 3,720,000 gallons of beer per year and continue to

1 qualify for and hold that brew pub license if that brewer,
2 class 2 brewer, or non-resident dealer does not simultaneously
3 hold a class 1 brewer license and is not a member of or
4 affiliated with, directly or indirectly, a manufacturer that
5 produces more than 3,720,000 gallons of beer per year or that
6 produces any other alcoholic liquor.

7 A brew pub licensee may apply for a class 3 brewer license
8 and, upon meeting all applicable qualifications of this Act
9 and relinquishing all commonly owned brew pub or retail
10 licenses, shall be issued a class 3 brewer license. Nothing in
11 this Act shall prohibit the issuance of a class 3 brewer
12 license if the applicant:

13 (1) has a valid retail license on or before May 1,
14 2021;

15 (2) has an ownership interest in at least 2 brew pubs
16 licenses on or before May 1, 2021;

17 (3) the brew pub licensee applies for a class 3 brewer
18 license on or before October 1, 2022 and relinquishes all
19 commonly owned brew pub licenses; and

20 (4) relinquishes all commonly owned retail licenses on
21 or before December 31, 2022.

22 If a brew pub licensee is issued a class 3 brewer license,
23 the class 3 brewer license shall expire on the same date as the
24 existing brew pub license and the State Commission shall not
25 require a class 3 brewer licensee to obtain a brewer license
26 or, in the alternative, to pay a fee for a brewer license,

1 until the date the brew pub license of the applicant would have
2 expired.

3 (o) A caterer retailer license shall allow the holder to
4 serve alcoholic liquors as an incidental part of a food
5 service that serves prepared meals which excludes the serving
6 of snacks as the primary meal, either on or off-site whether
7 licensed or unlicensed. A caterer retailer license shall allow
8 the holder, a distributor, or an importing distributor to
9 transfer any inventory to and from the holder's retail
10 premises and shall allow the holder to purchase alcoholic
11 liquor from a distributor or importing distributor to be
12 delivered directly to an off-site event.

13 Nothing in this Act prohibits a distributor or importing
14 distributor from offering credit or a refund for unused,
15 salable beer to a holder of a caterer retailer license or a
16 caterer retailer licensee from accepting a credit or refund
17 for unused, salable beer, in the event an act of God is the
18 sole reason an off-site event is canceled and if: (i) the
19 holder of a caterer retailer license has not transferred
20 alcoholic liquor from its caterer retailer premises to an
21 off-site location; (ii) the distributor or importing
22 distributor offers the credit or refund for the unused,
23 salable beer that it delivered to the off-site premises and
24 not for any unused, salable beer that the distributor or
25 importing distributor delivered to the caterer retailer's
26 premises; and (iii) the unused, salable beer would likely

1 spoil if transferred to the caterer retailer's premises. A
2 caterer retailer license shall allow the holder to transfer
3 any inventory from any off-site location to its caterer
4 retailer premises at the conclusion of an off-site event or
5 engage a distributor or importing distributor to transfer any
6 inventory from any off-site location to its caterer retailer
7 premises at the conclusion of an off-site event, provided that
8 the distributor or importing distributor issues bona fide
9 charges to the caterer retailer licensee for fuel, labor, and
10 delivery and the distributor or importing distributor collects
11 payment from the caterer retailer licensee prior to the
12 distributor or importing distributor transferring inventory to
13 the caterer retailer premises.

14 For purposes of this subsection (o), an "act of God" means
15 an unforeseeable event, such as a rain or snow storm, hail, a
16 flood, or a similar event, that is the sole cause of the
17 cancellation of an off-site, outdoor event.

18 (p) An auction liquor license shall allow the licensee to
19 sell and offer for sale at auction wine and spirits for use or
20 consumption, or for resale by an Illinois liquor licensee in
21 accordance with provisions of this Act. An auction liquor
22 license will be issued to a person and it will permit the
23 auction liquor licensee to hold the auction anywhere in the
24 State. An auction liquor license must be obtained for each
25 auction at least 14 days in advance of the auction date.

26 (q) A special use permit license shall allow an Illinois

1 licensed retailer to transfer a portion of its alcoholic
2 liquor inventory from its retail licensed premises to the
3 premises specified in the license hereby created; to purchase
4 alcoholic liquor from a distributor or importing distributor
5 to be delivered directly to the location specified in the
6 license hereby created; and to sell or offer for sale at
7 retail, only in the premises specified in the license hereby
8 created, the transferred or delivered alcoholic liquor for use
9 or consumption, but not for resale in any form. A special use
10 permit license may be granted for the following time periods:
11 one day or less; 2 or more days to a maximum of 15 days per
12 location in any 12-month period. An applicant for the special
13 use permit license must also submit with the application proof
14 satisfactory to the State Commission that the applicant will
15 provide dram shop liability insurance to the maximum limits
16 and have local authority approval.

17 A special use permit license shall allow the holder to
18 transfer any inventory from the holder's special use premises
19 to its retail premises at the conclusion of the special use
20 event or engage a distributor or importing distributor to
21 transfer any inventory from the holder's special use premises
22 to its retail premises at the conclusion of an off-site event,
23 provided that the distributor or importing distributor issues
24 bona fide charges to the special use permit licensee for fuel,
25 labor, and delivery and the distributor or importing
26 distributor collects payment from the retail licensee prior to

1 the distributor or importing distributor transferring
2 inventory to the retail premises.

3 Nothing in this Act prohibits a distributor or importing
4 distributor from offering credit or a refund for unused,
5 salable beer to a special use permit licensee or a special use
6 permit licensee from accepting a credit or refund for unused,
7 salable beer at the conclusion of the event specified in the
8 license if: (i) the holder of the special use permit license
9 has not transferred alcoholic liquor from its retail licensed
10 premises to the premises specified in the special use permit
11 license; (ii) the distributor or importing distributor offers
12 the credit or refund for the unused, salable beer that it
13 delivered to the premises specified in the special use permit
14 license and not for any unused, salable beer that the
15 distributor or importing distributor delivered to the
16 retailer's premises; and (iii) the unused, salable beer would
17 likely spoil if transferred to the retailer premises.

18 (r) A winery shipper's license shall allow a person with a
19 first-class or second-class wine manufacturer's license, a
20 first-class or second-class wine-maker's license, or a limited
21 wine manufacturer's license or who is licensed to make wine
22 under the laws of another state to ship wine made by that
23 licensee directly to a resident of this State who is 21 years
24 of age or older for that resident's personal use and not for
25 resale. Prior to receiving a winery shipper's license, an
26 applicant for the license must provide the State Commission

1 with a true copy of its current license in any state in which
2 it is licensed as a manufacturer of wine. An applicant for a
3 winery shipper's license must also complete an application
4 form that provides any other information the State Commission
5 deems necessary. The application form shall include all
6 addresses from which the applicant for a winery shipper's
7 license intends to ship wine, including the name and address
8 of any third party, except for a common carrier, authorized to
9 ship wine on behalf of the manufacturer. The application form
10 shall include an acknowledgment consenting to the jurisdiction
11 of the State Commission, the Illinois Department of Revenue,
12 and the courts of this State concerning the enforcement of
13 this Act and any related laws, rules, and regulations,
14 including authorizing the Department of Revenue and the State
15 Commission to conduct audits for the purpose of ensuring
16 compliance with Public Act 95-634, and an acknowledgment that
17 the wine manufacturer is in compliance with Section 6-2 of
18 this Act. Any third party, except for a common carrier,
19 authorized to ship wine on behalf of a first-class or
20 second-class wine manufacturer's licensee, a first-class or
21 second-class wine-maker's licensee, a limited wine
22 manufacturer's licensee, or a person who is licensed to make
23 wine under the laws of another state shall also be disclosed by
24 the winery shipper's licensee, and a copy of the written
25 appointment of the third-party wine provider, except for a
26 common carrier, to the wine manufacturer shall be filed with

1 the State Commission as a supplement to the winery shipper's
2 license application or any renewal thereof. The winery
3 shipper's license holder shall affirm under penalty of
4 perjury, as part of the winery shipper's license application
5 or renewal, that he or she only ships wine, either directly or
6 indirectly through a third-party provider, from the licensee's
7 own production.

8 Except for a common carrier, a third-party provider
9 shipping wine on behalf of a winery shipper's license holder
10 is the agent of the winery shipper's license holder and, as
11 such, a winery shipper's license holder is responsible for the
12 acts and omissions of the third-party provider acting on
13 behalf of the license holder. A third-party provider, except
14 for a common carrier, that engages in shipping wine into
15 Illinois on behalf of a winery shipper's license holder shall
16 consent to the jurisdiction of the State Commission and the
17 State. Any third-party, except for a common carrier, holding
18 such an appointment shall, by February 1 of each calendar year
19 and upon request by the State Commission or the Department of
20 Revenue, file with the State Commission a statement detailing
21 each shipment made to an Illinois resident. The statement
22 shall include the name and address of the third-party provider
23 filing the statement, the time period covered by the
24 statement, and the following information:

- 25 (1) the name, address, and license number of the
26 winery shipper on whose behalf the shipment was made;

1 (2) the quantity of the products delivered; and

2 (3) the date and address of the shipment.

3 If the Department of Revenue or the State Commission requests
4 a statement under this paragraph, the third-party provider
5 must provide that statement no later than 30 days after the
6 request is made. Any books, records, supporting papers, and
7 documents containing information and data relating to a
8 statement under this paragraph shall be kept and preserved for
9 a period of 3 years, unless their destruction sooner is
10 authorized, in writing, by the Director of Revenue, and shall
11 be open and available to inspection by the Director of Revenue
12 or the State Commission or any duly authorized officer, agent,
13 or employee of the State Commission or the Department of
14 Revenue, at all times during business hours of the day. Any
15 person who violates any provision of this paragraph or any
16 rule of the State Commission for the administration and
17 enforcement of the provisions of this paragraph is guilty of a
18 Class C misdemeanor. In case of a continuing violation, each
19 day's continuance thereof shall be a separate and distinct
20 offense.

21 The State Commission shall adopt rules as soon as
22 practicable to implement the requirements of Public Act 99-904
23 and shall adopt rules prohibiting any such third-party
24 appointment of a third-party provider, except for a common
25 carrier, that has been deemed by the State Commission to have
26 violated the provisions of this Act with regard to any winery

1 shipper licensee.

2 A winery shipper licensee must pay to the Department of
3 Revenue the State liquor gallonage tax under Section 8-1 for
4 all wine that is sold by the licensee and shipped to a person
5 in this State. For the purposes of Section 8-1, a winery
6 shipper licensee shall be taxed in the same manner as a
7 manufacturer of wine. A licensee who is not otherwise required
8 to register under the Retailers' Occupation Tax Act must
9 register under the Use Tax Act to collect and remit use tax to
10 the Department of Revenue for all gallons of wine that are sold
11 by the licensee and shipped to persons in this State. If a
12 licensee fails to remit the tax imposed under this Act in
13 accordance with the provisions of Article VIII of this Act,
14 the winery shipper's license shall be revoked in accordance
15 with the provisions of Article VII of this Act. If a licensee
16 fails to properly register and remit tax under the Use Tax Act
17 or the Retailers' Occupation Tax Act for all wine that is sold
18 by the winery shipper and shipped to persons in this State, the
19 winery shipper's license shall be revoked in accordance with
20 the provisions of Article VII of this Act.

21 A winery shipper licensee must collect, maintain, and
22 submit to the State Commission on a semi-annual basis the
23 total number of cases per resident of wine shipped to
24 residents of this State. A winery shipper licensed under this
25 subsection (r) must comply with the requirements of Section
26 6-29 of this Act.

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

5 As used in this subsection, "third-party provider" means
6 any entity that provides fulfillment house services, including
7 warehousing, packaging, distribution, order processing, or
8 shipment of wine, but not the sale of wine, on behalf of a
9 licensed winery shipper.

10 (s) A craft distiller tasting permit license shall allow
11 an Illinois licensed class 1 craft distiller or class 2 craft
12 distiller to transfer a portion of its alcoholic liquor
13 inventory from its class 1 craft distiller or class 2 craft
14 distiller licensed premises to the premises specified in the
15 license hereby created and to conduct a sampling, only in the
16 premises specified in the license hereby created, of the
17 transferred alcoholic liquor in accordance with subsection (c)
18 of Section 6-31 of this Act. The transferred alcoholic liquor
19 may not be sold or resold in any form. An applicant for the
20 craft distiller tasting permit license must also submit with
21 the application proof satisfactory to the State Commission
22 that the applicant will provide dram shop liability insurance
23 to the maximum limits and have local authority approval.

24 (t) A brewer warehouse permit may be issued to the holder
25 of a class 1 brewer license or a class 2 brewer license. If the
26 holder of the permit is a class 1 brewer licensee, the brewer

1 warehouse permit shall allow the holder to store or warehouse
2 up to 930,000 gallons of tax-determined beer manufactured by
3 the holder of the permit at the premises specified on the
4 permit. If the holder of the permit is a class 2 brewer
5 licensee, the brewer warehouse permit shall allow the holder
6 to store or warehouse up to 3,720,000 gallons of
7 tax-determined beer manufactured by the holder of the permit
8 at the premises specified on the permit. Sales to
9 non-licensees are prohibited at the premises specified in the
10 brewer warehouse permit.

11 (u) A distilling pub license shall allow the licensee to
12 only (i) manufacture up to 5,000 gallons of spirits per year
13 only on the premises specified in the license, (ii) make sales
14 of the spirits manufactured on the premises or, with the
15 approval of the State Commission, spirits manufactured on
16 another distilling pub licensed premises that is wholly owned
17 and operated by the same licensee to importing distributors
18 and distributors and to non-licensees for use and consumption,
19 (iii) store the spirits upon the premises, (iv) sell and offer
20 for sale at retail from the licensed premises for off-premises
21 consumption no more than 5,000 gallons per year so long as such
22 sales are only made in-person, (v) sell and offer for sale at
23 retail for use and consumption on the premises specified in
24 the license any form of alcoholic liquor purchased from a
25 licensed distributor or importing distributor, and (vi) with
26 the prior approval of the State Commission, annually transfer

1 no more than 5,000 gallons of spirits manufactured on the
2 premises to a licensed distilling pub wholly owned and
3 operated by the same licensee.

4 A distilling pub licensee shall not under any circumstance
5 sell or offer for sale spirits manufactured by the distilling
6 pub licensee to retail licensees.

7 A person who holds a class 2 craft distiller license may
8 simultaneously hold a distilling pub license if the class 2
9 craft distiller (i) does not, under any circumstance, sell or
10 offer for sale spirits manufactured by the class 2 craft
11 distiller to retail licensees; (ii) does not hold more than 3
12 distilling pub licenses in this State; (iii) does not
13 manufacture more than a combined 100,000 gallons of spirits
14 per year, including the spirits manufactured at the distilling
15 pub; and (iv) is not a member of or affiliated with, directly
16 or indirectly, a manufacturer that produces more than 100,000
17 gallons of spirits per year or any other alcoholic liquor.

18 (v) A craft distiller warehouse permit may be issued to
19 the holder of a class 1 craft distiller or class 2 craft
20 distiller license. The craft distiller warehouse permit shall
21 allow the holder to store or warehouse up to 500,000 gallons of
22 spirits manufactured by the holder of the permit at the
23 premises specified on the permit. Sales to non-licensees are
24 prohibited at the premises specified in the craft distiller
25 warehouse permit.

26 (w) A beer showcase permit license shall allow an

1 Illinois-licensed distributor to transfer a portion of its
2 beer inventory from its licensed premises to the premises
3 specified in the beer showcase permit license, and, in the
4 case of a class 3 brewer, transfer only beer the class 3 brewer
5 manufactures from its licensed premises to the premises
6 specified in the beer showcase permit license; and to sell or
7 offer for sale at retail, only in the premises specified in the
8 beer showcase permit license, the transferred or delivered
9 beer for on or off premise consumption, but not for resale in
10 any form and to sell to non-licensees not more than 96 fluid
11 ounces of beer per person. A beer showcase permit license may
12 be granted for the following time periods: one day or less; or
13 2 or more days to a maximum of 15 days per location in any
14 12-month period. An applicant for a beer showcase permit
15 license must also submit with the application proof
16 satisfactory to the State Commission that the applicant will
17 provide dram shop liability insurance to the maximum limits
18 and have local authority approval. The State Commission shall
19 require the beer showcase applicant to comply with Section
20 6-27.1.

21 (Source: P.A. 104-451, Section 10, eff. 12-12-25.)

22 (Text of Section after amendment by P.A. 104-451, Section
23 5)

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

1 (a) Manufacturer's license - Class 1. Distiller, Class 2.
2 Rectifier, Class 3. Brewer, Class 4. First Class Wine
3 Manufacturer, Class 5. Second Class Wine Manufacturer, Class
4 6. First Class Winemaker, Class 7. Second Class Winemaker,
5 Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller,
6 Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft
7 Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,
8 Class 14. Class 3 Brewer, Class 15. Class 3 Craft Distiller,

9 (b) Distributor's license,

10 (c) Importing Distributor's license,

11 (d) Retailer's license,

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

13 (f) Railroad license,

14 (g) Boat license,

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

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

17 (j) Airplane license,

18 (k) Foreign importer's license,

19 (l) Broker's license,

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

21 (n) Brew Pub license,

22 (o) Auction liquor license,

23 (p) Caterer retailer license,

24 (q) Special use permit license,

25 (r) Winery shipper's license,

26 (s) Craft distiller tasting permit,

- 1 (t) Brewer warehouse permit,
- 2 (u) Distilling pub license,
- 3 (v) Craft distiller warehouse permit,
- 4 (w) Beer showcase permit,
- 5 (x) Spirits showcase permit.

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 including any alcoholic liquor that subsection (e) of Section
26 6-4 authorizes a brewer to sell in its original package only to

1 a non-licensee for pick-up by a non-licensee either within the
2 interior of the brewery premises or outside of the brewery
3 premises at a curb-side or parking lot adjacent to the brewery
4 premises, subject to any local ordinance.

5 Class 4. A first class wine-manufacturer may make sales
6 and deliveries of up to 50,000 gallons of wine to
7 manufacturers, importing distributors and distributors, and to
8 no other licensees. If a first-class wine-manufacturer
9 manufactures beer, it shall also obtain and shall only be
10 eligible for, in addition to any current license, a class 1
11 brewer license, shall not manufacture more than 930,000
12 gallons of beer per year, and shall not be a member of or
13 affiliated with, directly or indirectly, a manufacturer that
14 produces more than 930,000 gallons of beer per year. If the
15 first-class wine-manufacturer manufactures spirits, it shall
16 also obtain and shall only be eligible for, in addition to any
17 current license, a class 1 craft distiller license, shall not
18 manufacture more than 50,000 gallons of spirits per year, and
19 shall not be a member of or affiliated with, directly or
20 indirectly, a manufacturer that produces more than 50,000
21 gallons of spirits per year. A first-class wine-manufacturer
22 shall be permitted to sell wine manufactured at the
23 first-class wine-manufacturer premises to non-licensees.

24 Class 5. A second class wine manufacturer may make sales
25 and deliveries of more than 50,000 gallons of wine to
26 manufacturers, importing distributors and distributors and to

1 no other licensees.

2 Class 6. A first-class wine-maker's license shall allow
3 the manufacture of up to 50,000 gallons of wine per year and
4 the storage and sale of such wine to distributors in the State
5 and to persons without the State, as may be permitted by law. A
6 person who, prior to June 1, 2008 (the effective date of Public
7 Act 95-634), is a holder of a first-class wine-maker's license
8 and annually produces more than 25,000 gallons of its own wine
9 and who distributes its wine to licensed retailers shall cease
10 this practice on or before July 1, 2008 in compliance with
11 Public Act 95-634. If a first-class wine-maker manufactures
12 beer, it shall also obtain and shall only be eligible for, in
13 addition to any current license, a class 1 brewer license,
14 shall not manufacture more than 930,000 gallons of beer per
15 year, and shall not be a member of or affiliated with, directly
16 or indirectly, a manufacturer that produces more than 930,000
17 gallons of beer per year. If the first-class wine-maker
18 manufactures spirits, it shall also obtain and shall only be
19 eligible for, in addition to any current license, a class 1
20 craft distiller license, shall not manufacture more than
21 50,000 gallons of spirits per year, and shall not be a member
22 of or affiliated with, directly or indirectly, a manufacturer
23 that produces more than 50,000 gallons of spirits per year. A
24 first-class wine-maker holding a class 1 brewer license or a
25 class 1 craft distiller license shall not be eligible for a
26 wine-maker's premises license but shall be permitted to sell

1 wine manufactured at the first-class wine-maker premises to
2 non-licensees.

3 Class 7. A second-class wine-maker's license shall allow
4 the manufacture of up to 150,000 gallons of wine per year, and
5 the storage and sale of such wine to distributors in this State
6 and to persons without the State, as may be permitted by law. A
7 person who, prior to June 1, 2008 (the effective date of Public
8 Act 95-634), is a holder of a second-class wine-maker's
9 license and annually produces more than 25,000 gallons of its
10 own wine and who distributes its wine to licensed retailers
11 shall cease this practice on or before July 1, 2008 in
12 compliance with Public Act 95-634. If a second-class
13 wine-maker manufactures beer, it shall also obtain and shall
14 only be eligible for, in addition to any current license, a
15 class 2 brewer license, shall not manufacture more than
16 3,720,000 gallons of beer per year, and shall not be a member
17 of or affiliated with, directly or indirectly, a manufacturer
18 that produces more than 3,720,000 gallons of beer per year. If
19 a second-class wine-maker manufactures spirits, it shall also
20 obtain and shall only be eligible for, in addition to any
21 current license, a class 2 craft distiller license, shall not
22 manufacture more than 100,000 gallons of spirits per year, and
23 shall not be a member of or affiliated with, directly or
24 indirectly, a manufacturer that produces more than 100,000
25 gallons of spirits per year.

26 Class 8. A limited wine-manufacturer may make sales and

1 deliveries not to exceed 40,000 gallons of wine per year to
2 distributors, and to non-licensees in accordance with the
3 provisions of this Act.

4 Class 9. A craft distiller license, which may only be held
5 by a class 1 craft distiller licensee or class 2 craft
6 distiller licensee but not held by both a class 1 craft
7 distiller licensee and a class 2 craft distiller licensee,
8 shall grant all rights conveyed by either: (i) a class 1 craft
9 distiller license if the craft distiller holds a class 1 craft
10 distiller license; or (ii) a class 2 craft distiller licensee
11 if the craft distiller holds a class 2 craft distiller
12 license.

13 Class 10. A class 1 craft distiller license, which may
14 only be issued to a licensed craft distiller or licensed
15 non-resident dealer, shall allow the manufacture of up to
16 50,000 gallons of spirits per year provided that the class 1
17 craft distiller licensee does not manufacture more than a
18 combined 50,000 gallons of spirits per year and is not a member
19 of or affiliated with, directly or indirectly, a manufacturer
20 that produces more than 50,000 gallons of spirits per year. If
21 a class 1 craft distiller manufactures beer, it shall also
22 obtain and shall only be eligible for, in addition to any
23 current license, a class 1 brewer license, shall not
24 manufacture more than 930,000 gallons of beer per year, and
25 shall not be a member of or affiliated with, directly or
26 indirectly, a manufacturer that produces more than 930,000

1 gallons of beer per year. If a class 1 craft distiller
2 manufactures wine, it shall also obtain and shall only be
3 eligible for, in addition to any current license, a
4 first-class wine-manufacturer license or a first-class
5 wine-maker's license, shall not manufacture more than 50,000
6 gallons of wine per year, and shall not be a member of or
7 affiliated with, directly or indirectly, a manufacturer that
8 produces more than 50,000 gallons of wine per year. A class 1
9 craft distiller licensee may make sales and deliveries to
10 importing distributors and distributors and to retail
11 licensees in accordance with the conditions set forth in
12 paragraph (19) of subsection (a) of Section 3-12 of this Act.
13 However, the aggregate amount of spirits sold to non-licensees
14 and sold or delivered to retail licensees may not exceed 5,000
15 gallons per year.

16 A class 1 craft distiller licensee may sell up to 5,000
17 gallons of such spirits to non-licensees to the extent
18 permitted by any exemption approved by the State Commission
19 pursuant to Section 6-4 of this Act. A class 1 craft distiller
20 license holder may store such spirits at a non-contiguous
21 licensed location, but at no time shall a class 1 craft
22 distiller license holder directly or indirectly produce in the
23 aggregate more than 50,000 gallons of spirits per year.

24 A class 1 craft distiller licensee may hold more than one
25 class 1 craft distiller's license. However, a class 1 craft
26 distiller that holds more than one class 1 craft distiller

1 license shall not manufacture, in the aggregate, more than
2 50,000 gallons of spirits by distillation per year and shall
3 not sell, in the aggregate, more than 5,000 gallons of such
4 spirits to non-licensees in accordance with an exemption
5 approved by the State Commission pursuant to Section 6-4 of
6 this Act.

7 Class 11. A class 2 craft distiller license, which may
8 only be issued to a licensed craft distiller or licensed
9 non-resident dealer, shall allow the manufacture of up to
10 100,000 gallons of spirits per year provided that the class 2
11 craft distiller licensee does not manufacture more than a
12 combined 100,000 gallons of spirits per year and is not a
13 member of or affiliated with, directly or indirectly, a
14 manufacturer that produces more than 100,000 gallons of
15 spirits per year. If a class 2 craft distiller manufactures
16 beer, it shall also obtain and shall only be eligible for, in
17 addition to any current license, a class 2 brewer license,
18 shall not manufacture more than 3,720,000 gallons of beer per
19 year, and shall not be a member of or affiliated with, directly
20 or indirectly, a manufacturer that produces more than
21 3,720,000 gallons of beer per year. If a class 2 craft
22 distiller manufactures wine, it shall also obtain and shall
23 only be eligible for, in addition to any current license, a
24 second-class wine-maker's license, shall not manufacture more
25 than 150,000 gallons of wine per year, and shall not be a
26 member of or affiliated with, directly or indirectly, a

1 manufacturer that produces more than 150,000 gallons of wine
2 per year. A class 2 craft distiller licensee may make sales and
3 deliveries to importing distributors and distributors, but
4 shall not make sales or deliveries to any other licensee. If
5 the State Commission provides prior approval, a class 2 craft
6 distiller licensee may annually transfer up to 100,000 gallons
7 of spirits manufactured by that class 2 craft distiller
8 licensee to the premises of a licensed class 2 craft distiller
9 wholly owned and operated by the same licensee. A class 2 craft
10 distiller may transfer spirits to a distilling pub wholly
11 owned and operated by the class 2 craft distiller subject to
12 the following limitations and restrictions: (i) the transfer
13 shall not annually exceed more than 5,000 gallons; (ii) the
14 annual amount transferred shall reduce the distilling pub's
15 annual permitted production limit; (iii) all spirits
16 transferred shall be subject to Article VIII of this Act; (iv)
17 a written record shall be maintained by the distiller and
18 distilling pub specifying the amount, date of delivery, and
19 receipt of the product by the distilling pub; and (v) the
20 distilling pub shall be located no farther than 80 miles from
21 the class 2 craft distiller's licensed location.

22 A class 2 craft distiller shall, prior to transferring
23 spirits to a distilling pub wholly owned by the class 2 craft
24 distiller, furnish a written notice to the State Commission of
25 intent to transfer spirits setting forth the name and address
26 of the distilling pub and shall annually submit to the State

1 Commission a verified report identifying the total gallons of
2 spirits transferred to the distilling pub wholly owned by the
3 class 2 craft distiller.

4 A class 2 craft distiller license holder may store such
5 spirits at a non-contiguous licensed location, but at no time
6 shall a class 2 craft distiller license holder directly or
7 indirectly produce in the aggregate more than 100,000 gallons
8 of spirits per year.

9 Class 12. A class 1 brewer license, which may only be
10 issued to a licensed brewer or licensed non-resident dealer,
11 shall allow the manufacture of up to 930,000 gallons of beer
12 per year provided that the class 1 brewer licensee does not
13 manufacture more than a combined 930,000 gallons of beer per
14 year and is not a member of or affiliated with, directly or
15 indirectly, a manufacturer that produces more than 930,000
16 gallons of beer per year. If a class 1 brewer manufactures
17 spirits, it shall also obtain and shall only be eligible for,
18 in addition to any current license, a class 1 craft distiller
19 license, shall not manufacture more than 50,000 gallons of
20 spirits per year, and shall not be a member of or affiliated
21 with, directly or indirectly, a manufacturer that produces
22 more than 50,000 gallons of spirits per year. If a class 1
23 craft brewer manufactures wine, it shall also obtain and shall
24 only be eligible for, in addition to any current license, a
25 first-class wine-manufacturer license or a first-class
26 wine-maker's license, shall not manufacture more than 50,000

1 gallons of wine per year, and shall not be a member of or
2 affiliated with, directly or indirectly, a manufacturer that
3 produces more than 50,000 gallons of wine per year. A class 1
4 brewer licensee may make sales and deliveries to importing
5 distributors and distributors and to retail licensees in
6 accordance with the conditions set forth in paragraph (18) of
7 subsection (a) of Section 3-12 of this Act. If the State
8 Commission provides prior approval, a class 1 brewer may
9 annually transfer up to 930,000 gallons of beer manufactured
10 by that class 1 brewer to the premises of a licensed class 1
11 brewer wholly owned and operated by the same licensee.

12 Class 13. A class 2 brewer license, which may only be
13 issued to a licensed brewer or licensed non-resident dealer,
14 shall allow the manufacture of up to 3,720,000 gallons of beer
15 per year provided that the class 2 brewer licensee does not
16 manufacture more than a combined 3,720,000 gallons of beer per
17 year and is not a member of or affiliated with, directly or
18 indirectly, a manufacturer that produces more than 3,720,000
19 gallons of beer per year. If a class 2 brewer manufactures
20 spirits, it shall also obtain and shall only be eligible for,
21 in addition to any current license, a class 2 craft distiller
22 license, shall not manufacture more than 100,000 gallons of
23 spirits per year, and shall not be a member of or affiliated
24 with, directly or indirectly, a manufacturer that produces
25 more than 100,000 gallons of spirits per year. If a class 2
26 craft distiller manufactures wine, it shall also obtain and

1 shall only be eligible for, in addition to any current
2 license, a second-class wine-maker's license, shall not
3 manufacture more than 150,000 gallons of wine per year, and
4 shall not be a member of or affiliated with, directly or
5 indirectly, a manufacturer that produces more than 150,000
6 gallons of wine a year. A class 2 brewer licensee may make
7 sales and deliveries to importing distributors and
8 distributors, but shall not make sales or deliveries to any
9 other licensee. If the State Commission provides prior
10 approval, a class 2 brewer licensee may annually transfer up
11 to 3,720,000 gallons of beer manufactured by that class 2
12 brewer licensee to the premises of a licensed class 2 brewer
13 wholly owned and operated by the same licensee.

14 A class 2 brewer may transfer beer to a brew pub wholly
15 owned and operated by the class 2 brewer subject to the
16 following limitations and restrictions: (i) the transfer shall
17 not annually exceed more than 31,000 gallons; (ii) the annual
18 amount transferred shall reduce the brew pub's annual
19 permitted production limit; (iii) all beer transferred shall
20 be subject to Article VIII of this Act; (iv) a written record
21 shall be maintained by the brewer and brew pub specifying the
22 amount, date of delivery, and receipt of the product by the
23 brew pub; and (v) the brew pub shall be located no farther than
24 80 miles from the class 2 brewer's licensed location.

25 A class 2 brewer shall, prior to transferring beer to a
26 brew pub wholly owned by the class 2 brewer, furnish a written

1 notice to the State Commission of intent to transfer beer
2 setting forth the name and address of the brew pub and shall
3 annually submit to the State Commission a verified report
4 identifying the total gallons of beer transferred to the brew
5 pub wholly owned by the class 2 brewer.

6 Class 14. A class 3 brewer license, which may be issued to
7 a brewer or a non-resident dealer, shall allow the manufacture
8 of no more than 465,000 gallons of beer per year and no more
9 than 155,000 gallons at a single brewery premises, and shall
10 allow the sale of no more than 6,200 gallons of beer from each
11 in-state or out-of-state class 3 brewery premises, or 18,600
12 gallons in the aggregate, to retail licensees, class 1
13 brewers, class 2 brewers, and class 3 brewers as long as the
14 class 3 brewer licensee does not manufacture more than a
15 combined 465,000 gallons of beer per year and is not a member
16 of or affiliated with, directly or indirectly, a manufacturer
17 that produces more than 465,000 gallons of beer per year to
18 make sales to importing distributors, distributors, retail
19 licensees, brewers, class 1 brewers, class 2 brewers, and
20 class 3 brewers in accordance with the conditions set forth in
21 paragraph (20) of subsection (a) of Section 3-12. If the State
22 Commission provides prior approval, a class 3 brewer may
23 annually transfer up to 155,000 gallons of beer manufactured
24 by that class 3 brewer to the premises of a licensed class 3
25 brewer wholly owned and operated by the same licensee. A class
26 3 brewer shall manufacture beer at the brewer's class 3

1 designated licensed premises, and may sell beer as otherwise
2 provided in this Act.

3 Class 15. A class 3 craft distiller license, which may be
4 issued to a distiller or a non-resident dealer, shall allow
5 the manufacture of no more than 100,000 gallons of spirits per
6 year and shall allow the sale of spirits from the class 3 craft
7 distiller's in-state or out-of-state class 3 craft distillery
8 premises to retail licensees, class 3 brewers, and class 3
9 craft distillers as long as the class 3 craft distiller
10 licensee does not manufacture more than a combined 100,000
11 gallons of spirits per year and is not a member of or
12 affiliated with, directly or indirectly, a manufacturer that
13 produces more than 100,000 gallons of spirits per year and to
14 make sales to importing distributors, distributors, retail
15 licensees, class 3 brewers, and class 3 craft distillers in
16 accordance with the conditions set forth in paragraph (21) of
17 subsection (a) of Section 3-12. If the State Commission
18 provides prior approval, a class 3 craft distiller may
19 annually transfer up to 2,500 gallons of spirits manufactured
20 by that class 3 craft distiller to the premises of a licensed
21 class 3 craft distiller wholly owned and operated by the same
22 licensee. A class 3 craft distiller shall manufacture spirits
23 at the distiller's class 3 designated licensed premises and
24 may sell spirits as otherwise provided in this Act.

25 (a-1) A manufacturer that 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
4 basis in this State must register those agents,
5 representatives, or persons acting on its behalf with the
6 State Commission.

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

24 (b) A distributor's license shall allow (i) the wholesale
25 purchase and storage of alcoholic liquors and sale of
26 alcoholic liquors to licensees in this State and to persons

1 without the State, as may be permitted by law; (ii) the sale of
2 beer, cider, mead, or any combination thereof to brewers,
3 class 1 brewers, and class 2 brewers that, pursuant to
4 subsection (e) of Section 6-4 of this Act, sell beer, cider,
5 mead, or any combination thereof to non-licensees at their
6 breweries; (iii) the sale of vermouth to class 1 craft
7 distillers and class 2 craft distillers that, pursuant to
8 subsection (e) of Section 6-4 of this Act, sell spirits,
9 vermouth, or both spirits and vermouth to non-licensees at
10 their distilleries; or (iv) as otherwise provided in this Act.
11 No person licensed as a distributor shall be granted a
12 non-resident dealer's license.

13 (c) An importing distributor's license may be issued to
14 and held by those only who are duly licensed distributors,
15 upon the filing of an application by a duly licensed
16 distributor, with the State Commission and the State
17 Commission shall, without the payment of any fee, immediately
18 issue such importing distributor's license to the applicant,
19 which shall allow the importation of alcoholic liquor by the
20 licensee into this State from any point in the United States
21 outside this State, and the purchase of alcoholic liquor in
22 barrels, casks, or other bulk containers and the bottling of
23 such alcoholic liquors before resale thereof, but all bottles
24 or containers so filled shall be sealed, labeled, stamped, and
25 otherwise made to comply with all provisions, rules, and
26 regulations governing manufacturers in the preparation and

1 bottling of alcoholic liquors. The importing distributor's
2 license shall permit such licensee to purchase alcoholic
3 liquor from Illinois licensed non-resident dealers and foreign
4 importers only. No person licensed as an importing distributor
5 shall be granted a non-resident dealer's license.

6 (d) A retailer's license shall allow the licensee to sell
7 and offer for sale at retail, in or from the premises specified
8 in the license, alcoholic liquor for use or consumption, but
9 not for resale in any form except as otherwise provided in this
10 Act. Except as provided in Section 6-16, 6-29, or 6-29.1,
11 nothing in this Act shall deny, limit, remove, or restrict the
12 ability of a holder of a retailer's license to transfer or ship
13 alcoholic liquor to the purchaser for use or consumption
14 subject to any applicable local law or ordinance. For the
15 purposes of this Section, "shipping" means the movement of
16 alcoholic liquor from a licensed retailer to a consumer via a
17 common carrier. Except as provided in Section 6-16, 6-29, or
18 6-29.1, nothing in this Act shall deny, limit, remove, or
19 restrict the ability of a holder of a retailer's license to
20 deliver alcoholic liquor to the purchaser for use or
21 consumption. The delivery shall be made only within 12 hours
22 from the time the alcoholic liquor leaves the licensed
23 premises of the retailer for delivery. For the purposes of
24 this Section, "delivery" means the movement of alcoholic
25 liquor purchased from a licensed retailer to a consumer
26 through the following methods:

1 (1) delivery within licensed retailer's parking lot,
2 including curbside, for pickup by the consumer;

3 (2) delivery by an owner, officer, director,
4 shareholder, or employee of the licensed retailer; or

5 (3) delivery by a third-party contractor, independent
6 contractor, or agent with whom the licensed retailer has
7 contracted to make deliveries of alcoholic liquors.

8 Under paragraph (1), (2), or (3), delivery shall not
9 include the use of common carriers.

10 A retail licensee may use any website, mobile application,
11 or similar platform that facilitates the sale or delivery of
12 food, beverages, or goods and is owned or operated by the
13 retail licensee, third-party contractor, an independent
14 contractor, or an agent with whom the licensed retailer has
15 contracted to facilitate deliveries or sales of alcoholic
16 liquors under this Section. The use of any website, mobile
17 application, or similar platform to facilitate deliveries or
18 sales of alcoholic liquors shall not be considered an illegal
19 sale, resale, transfer, barter, or exchange of alcohol under
20 this Act.

21 Any retail license issued to a manufacturer shall only
22 permit the manufacturer to sell beer at retail on the premises
23 actually occupied by the manufacturer. For the purpose of
24 further describing the type of business conducted at a retail
25 licensed premises, a retailer's licensee may be designated by
26 the State Commission as (i) an on premise consumption

1 retailer, (ii) an off premise sale retailer, or (iii) a
2 combined on premise consumption and off premise sale retailer.

3 Except for a municipality with a population of more than
4 1,000,000 inhabitants, a home rule unit may not regulate the
5 delivery of alcoholic liquor or require a retail licensee to
6 obtain a separate or additional license for the delivery of
7 alcoholic liquor. This paragraph is a limitation under
8 subsection (i) of Section 6 of Article VII of the Illinois
9 Constitution on the concurrent exercise by home rule units of
10 powers and functions exercised by the State. A non-home rule
11 municipality may not regulate the delivery of alcoholic liquor
12 or require a retail licensee to obtain a separate or
13 additional license for the delivery of alcoholic liquor.

14 Notwithstanding any other provision of this subsection
15 (d), a retail licensee may sell alcoholic liquors to a special
16 event retailer licensee for resale to the extent permitted
17 under subsection (e).

18 The requirements in subsection (b-5) of Section 6-29 apply
19 only to a winery shipper licensee that ships wine via common
20 carrier and do not apply to a winery shipper licensee or a
21 retail licensee that delivers, or causes to be delivered,
22 alcohol pursuant to the methods outlined in item (1), (2), or
23 (3) of this subsection.

24 Except as provided in this Section, for a manufacturer
25 with a retail license, nothing in this Section shall be
26 construed to prohibit an on-premises consumption retailer,

1 off-premises sale retailer, or combined on-premises
2 consumption and off-premises sale retailer from delivering
3 alcohol pursuant to this Section.

4 A retail licensee shall contract only with a third-party
5 contractor, independent contractor, or agent to facilitate or
6 make deliveries of alcoholic liquors that has a policy to
7 verify the age of the person to whom the alcoholic liquor is
8 being delivered based on the person's valid proof of identity
9 indicating the person is age 21 or over. A retail licensee
10 shall not be civilly liable for sales or deliveries made to
11 intoxicated persons or persons under the age of 21 if the
12 delivery of alcoholic liquor was conducted by a third-party
13 contractor, independent contractor, or agent with whom the
14 licensed retailer has contracted to make deliveries of
15 alcoholic liquor.

16 (e) A special event retailer's license (not-for-profit)
17 shall permit the licensee to purchase alcoholic liquors from
18 an Illinois licensed distributor (unless the licensee
19 purchases less than \$500 of alcoholic liquors for the special
20 event, in which case the licensee may purchase the alcoholic
21 liquors from a licensed retailer) and shall allow the licensee
22 to sell and offer for sale, at retail, alcoholic liquors for
23 consumption on or off the premises specified in the license,
24 but not for resale in any form and only at the location and on
25 the specific dates designated for the special event in the
26 license. An applicant for a special event retailer license

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

20 Nothing in this Act prohibits an Illinois licensed
21 distributor from offering credit or a refund for unused,
22 salable alcoholic liquors to a holder of a special event
23 retailer's license or the special event retailer's licensee
24 from accepting the credit or refund of alcoholic liquors at
25 the conclusion of the event specified in the license.

26 (f) A railroad license shall permit the licensee to import

1 alcoholic liquors into this State from any point in the United
2 States outside this State and to store such alcoholic liquors
3 in this State; to make wholesale purchases of alcoholic
4 liquors directly from manufacturers, foreign importers,
5 distributors and importing distributors from within or outside
6 this State; and to store such alcoholic liquors in this State;
7 provided that the above powers may be exercised only in
8 connection with the importation, purchase or storage of
9 alcoholic liquors to be sold or dispensed on a club, buffet,
10 lounge, or dining car operated on an electric, gas, or steam
11 railway in this State; and provided further, that railroad
12 licensees exercising the above powers shall be subject to all
13 provisions of Article VIII of this Act as applied to importing
14 distributors. A railroad license shall also permit the
15 licensee to sell or dispense alcoholic liquors on any club,
16 buffet, lounge, or dining car operated on an electric, gas, or
17 steam railway regularly operated by a common carrier in this
18 State, but shall not permit the sale for resale of any
19 alcoholic liquors to any licensee within this State. A license
20 shall be obtained for each car in which such sales are made.

21 (g) A boat license shall allow the sale of alcoholic
22 liquor in individual drinks on any passenger boat regularly
23 operated as a common carrier on navigable waters in this State
24 or on any riverboat operated under the Illinois Gambling Act,
25 which boat or riverboat maintains a public dining room or
26 restaurant thereon.

1 (h) A non-beverage user's license shall allow the licensee
2 to purchase alcoholic liquor from a licensed manufacturer or
3 importing distributor, without the imposition of any tax upon
4 the business of such licensed manufacturer or importing
5 distributor as to such alcoholic liquor to be used by such
6 licensee solely for the non-beverage purposes set forth in
7 subsection (a) of Section 8-1 of this Act, and such licenses
8 shall be divided and classified and shall permit the purchase,
9 possession, and use of limited and stated quantities of
10 alcoholic liquor as follows:

11	Class 1, not to exceed		500 gallons
12	Class 2, not to exceed		1,000 gallons
13	Class 3, not to exceed		5,000 gallons
14	Class 4, not to exceed		10,000 gallons
15	Class 5, not to exceed		50,000 gallons

16 (i) A wine-maker's premises license shall allow a licensee
17 that concurrently holds a first-class wine-maker's license to
18 sell and offer for sale at retail in the premises specified in
19 such license not more than 50,000 gallons of the first-class
20 wine-maker's wine that is made at the first-class wine-maker's
21 licensed premises per year for use or consumption, but not for
22 resale in any form. A wine-maker's premises license shall
23 allow a licensee who concurrently holds a second-class
24 wine-maker's license to sell and offer for sale at retail in
25 the premises specified in such license up to 100,000 gallons
26 of the second-class wine-maker's wine that is made at the

1 second-class wine-maker's licensed premises per year for use
2 or consumption but not for resale in any form. A first-class
3 wine-maker that concurrently holds a class 1 brewer license or
4 a class 1 craft distiller license shall not be eligible to hold
5 a wine-maker's premises license. A wine-maker's premises
6 license shall allow a licensee that concurrently holds a
7 first-class wine-maker's license or a second-class
8 wine-maker's license to sell and offer for sale at retail at
9 the premises specified in the wine-maker's premises license,
10 for use or consumption but not for resale in any form, any
11 beer, wine, and spirits purchased from a licensed distributor.
12 Upon approval from the State Commission, a wine-maker's
13 premises license shall allow the licensee to sell and offer
14 for sale at (i) the wine-maker's licensed premises and (ii) up
15 to 2 additional locations for use and consumption and not for
16 resale. Each location shall require additional licensing per
17 location as specified in Section 5-3 of this Act. A
18 wine-maker's premises licensee shall secure liquor liability
19 insurance coverage in an amount at least equal to the maximum
20 liability amounts set forth in subsection (a) of Section 6-21
21 of this Act.

22 (j) An airplane license shall permit the licensee to
23 import alcoholic liquors into this State from any point in the
24 United States outside this State and to store such alcoholic
25 liquors in this State; to make wholesale purchases of
26 alcoholic liquors directly from manufacturers, foreign

1 importers, distributors, and importing distributors from
2 within or outside this State; and to store such alcoholic
3 liquors in this State; provided that the above powers may be
4 exercised only in connection with the importation, purchase,
5 or storage of alcoholic liquors to be sold or dispensed on an
6 airplane; and provided further, that airplane licensees
7 exercising the above powers shall be subject to all provisions
8 of Article VIII of this Act as applied to importing
9 distributors. An airplane licensee shall also permit the sale
10 or dispensing of alcoholic liquors on any passenger airplane
11 regularly operated by a common carrier in this State, but
12 shall not permit the sale for resale of any alcoholic liquors
13 to any licensee within this State. A single airplane license
14 shall be required of an airline company if liquor service is
15 provided on board aircraft in this State. The annual fee for
16 such license shall be as determined in Section 5-3.

17 (k) A foreign importer's license shall permit such
18 licensee to purchase alcoholic liquor from Illinois licensed
19 non-resident dealers only, and to import alcoholic liquor
20 other than in bulk from any point outside the United States and
21 to sell such alcoholic liquor to Illinois licensed importing
22 distributors and to no one else in Illinois; provided that (i)
23 the foreign importer registers with the State Commission every
24 brand of alcoholic liquor that it proposes to sell to Illinois
25 licensees during the license period, (ii) the foreign importer
26 complies with all of the provisions of Section 6-9 of this Act

1 with respect to registration of such Illinois licensees as may
2 be granted the right to sell such brands at wholesale, and
3 (iii) the foreign importer complies with the provisions of
4 Sections 6-5 and 6-6 of this Act to the same extent that these
5 provisions apply to manufacturers.

6 (1) (i) A broker's license shall be required of all
7 persons who solicit orders for, offer to sell, or offer to
8 supply alcoholic liquor to retailers in the State of Illinois,
9 or who offer to retailers to ship or cause to be shipped or to
10 make contact with distillers, craft distillers, rectifiers,
11 brewers or manufacturers or any other party within or without
12 the State of Illinois in order that alcoholic liquors be
13 shipped to a distributor, importing distributor, or foreign
14 importer, whether such solicitation or offer is consummated
15 within or without the State of Illinois.

16 No holder of a retailer's license issued by the Illinois
17 Liquor Control Commission shall purchase or receive any
18 alcoholic liquor, the order for which was solicited or offered
19 for sale to such retailer by a broker unless the broker is the
20 holder of a valid broker's license.

21 The broker shall, upon the acceptance by a retailer of the
22 broker's solicitation of an order or offer to sell or supply or
23 deliver or have delivered alcoholic liquors, promptly forward
24 to the Illinois Liquor Control Commission a notification of
25 said transaction in such form as the State Commission may by
26 regulations prescribe.

1 (ii) A broker's license shall be required of a person
2 within this State, other than a retail licensee, who, for a fee
3 or commission, promotes, solicits, or accepts orders for
4 alcoholic liquor, for use or consumption and not for resale,
5 to be shipped from this State and delivered to residents
6 outside of this State by an express company, common carrier,
7 or contract carrier. This Section does not apply to any person
8 who promotes, solicits, or accepts orders for wine as
9 specifically authorized in Section 6-29 of this Act.

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

14 This subsection (1) shall not apply to distributors,
15 employees of distributors, or employees of a manufacturer who
16 has registered the trademark, brand, or name of the alcoholic
17 liquor pursuant to Section 6-9 of this Act, and who regularly
18 sells such alcoholic liquor in the State of Illinois only to
19 its registrants thereunder.

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

23 (m) A non-resident dealer's license shall permit such
24 licensee to ship into and warehouse alcoholic liquor into this
25 State from any point outside of this State, and to sell such
26 alcoholic liquor to Illinois licensed foreign importers and

1 importing distributors and to no one else in this State;
2 provided that (i) said non-resident dealer shall register with
3 the Illinois Liquor Control Commission each and every brand of
4 alcoholic liquor which it proposes to sell to Illinois
5 licensees during the license period, (ii) it shall comply with
6 all of the provisions of Section 6-9 hereof with respect to
7 registration of such Illinois licensees as may be granted the
8 right to sell such brands at wholesale by duly filing such
9 registration statement, thereby authorizing the non-resident
10 dealer to proceed to sell such brands at wholesale, and (iii)
11 the non-resident dealer shall comply with the provisions of
12 Sections 6-5 and 6-6 of this Act to the same extent that these
13 provisions apply to manufacturers. No person licensed as a
14 non-resident dealer shall be granted a distributor's or
15 importing distributor's license.

16 (n) A brew pub license shall allow the licensee to only (i)
17 manufacture up to 155,000 gallons of beer per year only on the
18 premises specified in the license, (ii) make sales of the beer
19 manufactured on the premises or, with the approval of the
20 State Commission, beer manufactured on another brew pub
21 licensed premises that is wholly owned and operated by the
22 same licensee to importing distributors, distributors, and
23 non-licensees for use and consumption, (iii) store the beer
24 upon the premises, (iv) sell and offer for sale at retail from
25 the licensed premises for off-premises consumption no more
26 than 155,000 gallons per year so long as such sales are only

1 made in-person, (v) sell and offer for sale at retail for use
2 and consumption on the premises specified in the license any
3 form of alcoholic liquor purchased from a licensed distributor
4 or importing distributor, (vi) with the prior approval of the
5 State Commission, annually transfer no more than 155,000
6 gallons of beer manufactured on the premises to a licensed
7 brew pub wholly owned and operated by the same licensee, and
8 (vii) notwithstanding item (i) of this subsection, brew pubs
9 wholly owned and operated by the same licensee may combine
10 each location's production limit of 155,000 gallons of beer
11 per year and allocate the aggregate total between the wholly
12 owned, operated, and licensed locations.

13 A brew pub licensee shall not under any circumstance sell
14 or offer for sale beer manufactured by the brew pub licensee to
15 retail licensees.

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

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

14 A brew pub licensee may apply for a class 3 brewer license
15 and, upon meeting all applicable qualifications of this Act
16 and relinquishing all commonly owned brew pub or retail
17 licenses, shall be issued a class 3 brewer license. Nothing in
18 this Act shall prohibit the issuance of a class 3 brewer
19 license if the applicant:

20 (1) has a valid retail license on or before May 1,
21 2021;

22 (2) has an ownership interest in at least 2 brew pubs
23 licenses on or before May 1, 2021;

24 (3) the brew pub licensee applies for a class 3 brewer
25 license on or before October 1, 2022 and relinquishes all
26 commonly owned brew pub licenses; and

1 (4) relinquishes all commonly owned retail licenses on
2 or before December 31, 2022.

3 If a brew pub licensee is issued a class 3 brewer license,
4 the class 3 brewer license shall expire on the same date as the
5 existing brew pub license and the State Commission shall not
6 require a class 3 brewer licensee to obtain a brewer license
7 or, in the alternative, to pay a fee for a brewer license,
8 until the date the brew pub license of the applicant would have
9 expired.

10 (o) A caterer retailer license shall allow the holder to
11 serve alcoholic liquors as an incidental part of a food
12 service that serves prepared meals which excludes the serving
13 of snacks as the primary meal, either on or off-site whether
14 licensed or unlicensed. A caterer retailer license shall allow
15 the holder, a distributor, or an importing distributor to
16 transfer any inventory to and from the holder's retail
17 premises and shall allow the holder to purchase alcoholic
18 liquor from a distributor or importing distributor to be
19 delivered directly to an off-site event.

20 Nothing in this Act prohibits a distributor or importing
21 distributor from offering credit or a refund for unused,
22 salable beer to a holder of a caterer retailer license or a
23 caterer retailer licensee from accepting a credit or refund
24 for unused, salable beer, in the event an act of God is the
25 sole reason an off-site event is canceled and if: (i) the
26 holder of a caterer retailer license has not transferred

1 alcoholic liquor from its caterer retailer premises to an
2 off-site location; (ii) the distributor or importing
3 distributor offers the credit or refund for the unused,
4 salable beer that it delivered to the off-site premises and
5 not for any unused, salable beer that the distributor or
6 importing distributor delivered to the caterer retailer's
7 premises; and (iii) the unused, salable beer would likely
8 spoil if transferred to the caterer retailer's premises. A
9 caterer retailer license shall allow the holder to transfer
10 any inventory from any off-site location to its caterer
11 retailer premises at the conclusion of an off-site event or
12 engage a distributor or importing distributor to transfer any
13 inventory from any off-site location to its caterer retailer
14 premises at the conclusion of an off-site event, provided that
15 the distributor or importing distributor issues bona fide
16 charges to the caterer retailer licensee for fuel, labor, and
17 delivery and the distributor or importing distributor collects
18 payment from the caterer retailer licensee prior to the
19 distributor or importing distributor transferring inventory to
20 the caterer retailer premises.

21 For purposes of this subsection (o), an "act of God" means
22 an unforeseeable event, such as a rain or snow storm, hail, a
23 flood, or a similar event, that is the sole cause of the
24 cancellation of an off-site, outdoor event.

25 (p) An auction liquor license shall allow the licensee to
26 sell and offer for sale at auction wine and spirits for use or

1 consumption, or for resale by an Illinois liquor licensee in
2 accordance with provisions of this Act. An auction liquor
3 license will be issued to a person and it will permit the
4 auction liquor licensee to hold the auction anywhere in the
5 State. An auction liquor license must be obtained for each
6 auction at least 14 days in advance of the auction date.

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

25 A special use permit license shall allow the holder to
26 transfer any inventory from the holder's special use premises

1 to its retail premises at the conclusion of the special use
2 event or engage a distributor or importing distributor to
3 transfer any inventory from the holder's special use premises
4 to its retail premises at the conclusion of an off-site event,
5 provided that the distributor or importing distributor issues
6 bona fide charges to the special use permit licensee for fuel,
7 labor, and delivery and the distributor or importing
8 distributor collects payment from the retail licensee prior to
9 the distributor or importing distributor transferring
10 inventory to the retail premises.

11 Nothing in this Act prohibits a distributor or importing
12 distributor from offering credit or a refund for unused,
13 salable beer to a special use permit licensee or a special use
14 permit licensee from accepting a credit or refund for unused,
15 salable beer at the conclusion of the event specified in the
16 license if: (i) the holder of the special use permit license
17 has not transferred alcoholic liquor from its retail licensed
18 premises to the premises specified in the special use permit
19 license; (ii) the distributor or importing distributor offers
20 the credit or refund for the unused, salable beer that it
21 delivered to the premises specified in the special use permit
22 license and not for any unused, salable beer that the
23 distributor or importing distributor delivered to the
24 retailer's premises; and (iii) the unused, salable beer would
25 likely spoil if transferred to the retailer premises.

26 (r) A winery shipper's license shall allow a person with a

1 first-class or second-class wine manufacturer's license, a
2 first-class or second-class wine-maker's license, or a limited
3 wine manufacturer's license or who is licensed to make wine
4 under the laws of another state to ship wine made by that
5 licensee directly to a resident of this State who is 21 years
6 of age or older for that resident's personal use and not for
7 resale. Prior to receiving a winery shipper's license, an
8 applicant for the license must provide the State Commission
9 with a true copy of its current license in any state in which
10 it is licensed as a manufacturer of wine. An applicant for a
11 winery shipper's license must also complete an application
12 form that provides any other information the State Commission
13 deems necessary. The application form shall include all
14 addresses from which the applicant for a winery shipper's
15 license intends to ship wine, including the name and address
16 of any third party, except for a common carrier, authorized to
17 ship wine on behalf of the manufacturer. The application form
18 shall include an acknowledgment consenting to the jurisdiction
19 of the State Commission, the Illinois Department of Revenue,
20 and the courts of this State concerning the enforcement of
21 this Act and any related laws, rules, and regulations,
22 including authorizing the Department of Revenue and the State
23 Commission to conduct audits for the purpose of ensuring
24 compliance with Public Act 95-634, and an acknowledgment that
25 the wine manufacturer is in compliance with Section 6-2 of
26 this Act. Any third party, except for a common carrier,

1 authorized to ship wine on behalf of a first-class or
2 second-class wine manufacturer's licensee, a first-class or
3 second-class wine-maker's licensee, a limited wine
4 manufacturer's licensee, or a person who is licensed to make
5 wine under the laws of another state shall also be disclosed by
6 the winery shipper's licensee, and a copy of the written
7 appointment of the third-party wine provider, except for a
8 common carrier, to the wine manufacturer shall be filed with
9 the State Commission as a supplement to the winery shipper's
10 license application or any renewal thereof. The winery
11 shipper's license holder shall affirm under penalty of
12 perjury, as part of the winery shipper's license application
13 or renewal, that he or she only ships wine, either directly or
14 indirectly through a third-party provider, from the licensee's
15 own production.

16 Except for a common carrier, a third-party provider
17 shipping wine on behalf of a winery shipper's license holder
18 is the agent of the winery shipper's license holder and, as
19 such, a winery shipper's license holder is responsible for the
20 acts and omissions of the third-party provider acting on
21 behalf of the license holder. A third-party provider, except
22 for a common carrier, that engages in shipping wine into
23 Illinois on behalf of a winery shipper's license holder shall
24 consent to the jurisdiction of the State Commission and the
25 State. Any third-party, except for a common carrier, holding
26 such an appointment shall, by February 1 of each calendar year

1 and upon request by the State Commission or the Department of
2 Revenue, file with the State Commission a statement detailing
3 each shipment made to an Illinois resident. The statement
4 shall include the name and address of the third-party provider
5 filing the statement, the time period covered by the
6 statement, and the following information:

7 (1) the name, address, and license number of the
8 winery shipper on whose behalf the shipment was made;

9 (2) the quantity of the products delivered; and

10 (3) the date and address of the shipment.

11 If the Department of Revenue or the State Commission requests
12 a statement under this paragraph, the third-party provider
13 must provide that statement no later than 30 days after the
14 request is made. Any books, records, supporting papers, and
15 documents containing information and data relating to a
16 statement under this paragraph shall be kept and preserved for
17 a period of 3 years, unless their destruction sooner is
18 authorized, in writing, by the Director of Revenue, and shall
19 be open and available to inspection by the Director of Revenue
20 or the State Commission or any duly authorized officer, agent,
21 or employee of the State Commission or the Department of
22 Revenue, at all times during business hours of the day. Any
23 person who violates any provision of this paragraph or any
24 rule of the State Commission for the administration and
25 enforcement of the provisions of this paragraph is guilty of a
26 Class C misdemeanor. In case of a continuing violation, each

1 day's continuance thereof shall be a separate and distinct
2 offense.

3 The State Commission shall adopt rules as soon as
4 practicable to implement the requirements of Public Act 99-904
5 and shall adopt rules prohibiting any such third-party
6 appointment of a third-party provider, except for a common
7 carrier, that has been deemed by the State Commission to have
8 violated the provisions of this Act with regard to any winery
9 shipper licensee.

10 A winery shipper licensee must pay to the Department of
11 Revenue the State liquor gallonage tax under Section 8-1 for
12 all wine that is sold by the licensee and shipped to a person
13 in this State. For the purposes of Section 8-1, a winery
14 shipper licensee shall be taxed in the same manner as a
15 manufacturer of wine. A licensee who is not otherwise required
16 to register under the Retailers' Occupation Tax Act must
17 register under the Use Tax Act to collect and remit use tax to
18 the Department of Revenue for all gallons of wine that are sold
19 by the licensee and shipped to persons in this State. If a
20 licensee fails to remit the tax imposed under this Act in
21 accordance with the provisions of Article VIII of this Act,
22 the winery shipper's license shall be revoked in accordance
23 with the provisions of Article VII of this Act. If a licensee
24 fails to properly register and remit tax under the Use Tax Act
25 or the Retailers' Occupation Tax Act for all wine that is sold
26 by the winery shipper and shipped to persons in this State, the

1 winery shipper's license shall be revoked in accordance with
2 the provisions of Article VII of this Act.

3 A winery shipper licensee must collect, maintain, and
4 submit to the State Commission on a semi-annual basis the
5 total number of cases per resident of wine shipped to
6 residents of this State. A winery shipper licensed under this
7 subsection (r) must comply with the requirements of Section
8 6-29 of this Act.

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

13 As used in this subsection, "third-party provider" means
14 any entity that provides fulfillment house services, including
15 warehousing, packaging, distribution, order processing, or
16 shipment of wine, but not the sale of wine, on behalf of a
17 licensed winery shipper.

18 (s) A craft distiller tasting permit license shall allow
19 an Illinois licensed class 1 craft distiller or class 2 craft
20 distiller to transfer a portion of its alcoholic liquor
21 inventory from its class 1 craft distiller or class 2 craft
22 distiller licensed premises to the premises specified in the
23 license hereby created and to conduct a sampling, only in the
24 premises specified in the license hereby created, of the
25 transferred alcoholic liquor in accordance with subsection (c)
26 of Section 6-31 of this Act. The transferred alcoholic liquor

1 may not be sold or resold in any form. An applicant for the
2 craft distiller tasting permit license must also submit with
3 the application proof satisfactory to the State Commission
4 that the applicant will provide dram shop liability insurance
5 to the maximum limits and have local authority approval.

6 (t) A brewer warehouse permit may be issued to the holder
7 of a class 1 brewer license or a class 2 brewer license. If the
8 holder of the permit is a class 1 brewer licensee, the brewer
9 warehouse permit shall allow the holder to store or warehouse
10 up to 930,000 gallons of tax-determined beer manufactured by
11 the holder of the permit at the premises specified on the
12 permit. If the holder of the permit is a class 2 brewer
13 licensee, the brewer warehouse permit shall allow the holder
14 to store or warehouse up to 3,720,000 gallons of
15 tax-determined beer manufactured by the holder of the permit
16 at the premises specified on the permit. Sales to
17 non-licensees are prohibited at the premises specified in the
18 brewer warehouse permit.

19 (u) A distilling pub license shall allow the licensee to
20 only (i) manufacture up to 5,000 gallons of spirits per year
21 only on the premises specified in the license, (ii) make sales
22 of the spirits manufactured on the premises or, with the
23 approval of the State Commission, spirits manufactured on
24 another distilling pub licensed premises that is wholly owned
25 and operated by the same licensee to importing distributors
26 and distributors and to non-licensees for use and consumption,

1 (iii) store the spirits upon the premises, (iv) sell and offer
2 for sale at retail from the licensed premises for off-premises
3 consumption no more than 5,000 gallons per year so long as such
4 sales are only made in-person, (v) sell and offer for sale at
5 retail for use and consumption on the premises specified in
6 the license any form of alcoholic liquor purchased from a
7 licensed distributor or importing distributor, and (vi) with
8 the prior approval of the State Commission, annually transfer
9 no more than 5,000 gallons of spirits manufactured on the
10 premises to a licensed distilling pub wholly owned and
11 operated by the same licensee.

12 A distilling pub licensee shall not under any circumstance
13 sell or offer for sale spirits manufactured by the distilling
14 pub licensee to retail licensees.

15 A person who holds a class 2 craft distiller license may
16 simultaneously hold a distilling pub license if the class 2
17 craft distiller (i) does not, under any circumstance, sell or
18 offer for sale spirits manufactured by the class 2 craft
19 distiller to retail licensees; (ii) does not hold more than 3
20 distilling pub licenses in this State; (iii) does not
21 manufacture more than a combined 100,000 gallons of spirits
22 per year, including the spirits manufactured at the distilling
23 pub; and (iv) is not a member of or affiliated with, directly
24 or indirectly, a manufacturer that produces more than 100,000
25 gallons of spirits per year or any other alcoholic liquor.

26 (v) A craft distiller warehouse permit may be issued to

1 the holder of a class 1 craft distiller or class 2 craft
2 distiller license. The craft distiller warehouse permit shall
3 allow the holder to store or warehouse up to 500,000 gallons of
4 spirits manufactured by the holder of the permit at the
5 premises specified on the permit. Sales to non-licensees are
6 prohibited at the premises specified in the craft distiller
7 warehouse permit.

8 (w) A beer showcase permit license shall allow a class 3
9 brewer to transfer only beer the class 3 brewer manufactures
10 from its licensed premises to the premises specified in the
11 beer showcase permit license and to sell or offer for sale at
12 retail, only in the premises specified in the beer showcase
13 permit license, the transferred or delivered beer for on or
14 off premise consumption, but not for resale in any form and to
15 sell to non-licensees not more than 96 fluid ounces of beer per
16 person. A beer showcase permit license may be granted for the
17 following time periods: one day or less; or 2 or more days to a
18 maximum of 15 days per location in any 12-month period. An
19 applicant for a beer showcase permit license must also submit
20 with the application proof satisfactory to the State
21 Commission that the applicant will provide dram shop liability
22 insurance to the maximum limits and have local authority
23 approval. The State Commission shall require the beer showcase
24 applicant to comply with Section 6-27.1.

25 (x) A spirits showcase permit shall allow a class 3 craft
26 distiller to transfer only spirits the class 3 craft distiller

1 manufactures from its licensed premises to the premises
2 specified in the spirits showcase permit and to sell or offer
3 for sale at retail, only in the premises specified in the
4 spirits showcase permit, the transferred or delivered spirits
5 for on-premises or off-premises consumption, but not for
6 resale in any form, and to sell to non-licensees not more than
7 156 fluid ounces of spirits per person. A spirits showcase
8 permit may be granted for the following time periods: one day
9 or less; or 2 or more days up to a maximum of 15 days per
10 location in any 12-month period. An applicant for a spirits
11 showcase permit must also submit with the application proof
12 satisfactory to the State Commission that the applicant will
13 provide dram shop liability insurance to the maximum limits
14 and have local authority approval. The State Commission shall
15 require the spirits showcase applicant to comply with Section
16 6-27.1.

17 (Source: P.A. 104-451, Section 5, eff. 7-1-26; 104-451,
18 Section 10, eff. 12-12-25; revised 1-7-26.)

19 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

20 Sec. 7-1. An applicant for a retail license from the State
21 Commission shall submit to the State Commission an application
22 in writing under oath stating:

- 23 (1) The applicant's name and mailing address;
- 24 (2) The name and address of the applicant's business;
- 25 (3) If applicable, the date of the filing of the

1 "assumed name" of the business with the County Clerk;

2 (4) In case of a copartnership, the date of the
3 formation of the partnership; in the case of an Illinois
4 corporation, the date of its incorporation; or in the case
5 of a foreign corporation, the State where it was
6 incorporated and the date of its becoming qualified under
7 the Business Corporation Act of 1983 to transact business
8 in the State of Illinois;

9 (5) The number, the date of issuance and the date of
10 expiration of the applicant's current local retail liquor
11 license;

12 (6) The name of the city, village, or county that
13 issued the local retail liquor license;

14 (7) The name and address of the landlord if the
15 premises are leased;

16 (8) The date of the applicant's first request for a
17 State liquor license and whether it was granted, denied or
18 withdrawn;

19 (9) The address of the applicant when the first
20 application for a State liquor license was made;

21 (10) The applicant's current State liquor license
22 number;

23 (11) The date the applicant began liquor sales at his
24 place of business;

25 (12) The address of the applicant's warehouse if he
26 warehouses liquor;

1 (13) The applicant's Retailers' Occupation Tax (ROT)
2 Registration Number;

3 (14) The applicant's document locator number on his
4 Federal Special Tax Stamp;

5 (15) Whether the applicant is delinquent in the
6 payment of the Retailers' Occupation Tax (Sales Tax), and
7 if so, the reasons therefor;

8 (16) Whether the applicant is delinquent under the
9 cash beer law, and if so, the reasons therefor;

10 (17) In the case of a retailer, whether he is
11 delinquent under the 30-day credit law, and if so, the
12 reasons therefor;

13 (18) In the case of a distributor, whether he is
14 delinquent under the 15-day credit law, and if so, the
15 reasons therefor;

16 (19) Whether the applicant has made an application for
17 a liquor license which has been denied, and if so, the
18 reasons therefor;

19 (20) Whether the applicant has ever had any previous
20 liquor license suspended or revoked, and if so, the
21 reasons therefor;

22 (21) Whether the applicant has ever been convicted of
23 a gambling offense or felony, and if so, the particulars
24 thereof;

25 (22) Whether the applicant possesses a current Federal
26 Wagering Stamp, and if so, the reasons therefor;

1 (23) Whether the applicant, or any other person,
2 directly in his place of business is a public official,
3 and if so, the particulars thereof;

4 (24) The applicant's name, sex, date of birth, social
5 security number, position and percentage of ownership in
6 the business; and the name, sex, date of birth, social
7 security number, position and percentage of ownership in
8 the business of every sole owner, partner, corporate
9 officer, director, manager and any person who owns 5% or
10 more of the shares of the applicant business entity or
11 parent corporations of the applicant business entity; ~~and~~

12 (25) That he has not received or borrowed money or
13 anything else of value, and that he will not receive or
14 borrow money or anything else of value (other than
15 merchandising credit in the ordinary course of business
16 for a period not to exceed 90 days as herein expressly
17 permitted under Section 6-5 hereof), directly or
18 indirectly, from any manufacturer, importing distributor
19 or distributor or from any representative of any such
20 manufacturer, importing distributor or distributor, nor be
21 a party in any way, directly or indirectly, to any
22 violation by a manufacturer, distributor or importing
23 distributor of Section 6-6 of this Act; and -

24 (26) The applicant's primary and supplementary
25 electronic mail addresses to which all license-related
26 notices may be served.

1 In addition to any other requirement of this Section, an
2 applicant for a special use permit license and a special event
3 retailer's license shall also submit (A) proof satisfactory to
4 the Commission that the applicant has a resale number issued
5 under Section 2c of the Retailers' Occupation Tax Act or that
6 the applicant is registered under Section 2a of the Retailers'
7 Occupation Tax Act, (B) proof satisfactory to the Commission
8 that the applicant has a current, valid exemption
9 identification number issued under Section 1g of the
10 Retailers' Occupation Tax Act and a certification to the
11 Commission that the purchase of alcoholic liquors will be a
12 tax-exempt purchase, or (C) a statement that the applicant is
13 not registered under Section 2a of the Retailers' Occupation
14 Tax Act, does not hold a resale number under Section 2c of the
15 Retailers' Occupation Tax Act, and does not hold an exemption
16 number under Section 1g of the Retailers' Occupation Tax Act.
17 The applicant shall also submit proof of adequate dram shop
18 insurance for the special event prior to being issued a
19 license.

20 In addition to the foregoing information, such application
21 shall contain such other and further information as the State
22 Commission and the local commission may, by rule or regulation
23 not inconsistent with law, prescribe.

24 If the applicant reports a felony conviction as required
25 under paragraph (21) of this Section, such conviction may be
26 considered by the Commission in accordance with Section 6-2.5

1 of this Act in determining qualifications for licensing, but
2 shall not operate as a bar to licensing.

3 If said application is made in behalf of a partnership,
4 firm, association, club or corporation, then the same shall be
5 signed by one member of such partnership or the president or
6 secretary of such corporation or an authorized agent of said
7 partnership or corporation.

8 All other applications shall be on forms prescribed by the
9 State Commission, and which may exclude any of the above
10 requirements which the State Commission rules to be
11 inapplicable.

12 (Source: P.A. 100-286, eff. 1-1-18.)

13 (235 ILCS 5/7-6) (from Ch. 43, par. 150)

14 Sec. 7-6. All proceedings for the revocation or suspension
15 of licenses of manufacturers, distributors, importing
16 distributors, non-resident dealers, foreign importers,
17 non-beverage users, railroads, airplanes and boats shall be
18 before the State Commission. All such proceedings and all
19 proceedings for the revocation or suspension of a retailer's
20 license before the State Commission ~~commission~~ shall be in
21 accordance with rules and regulations established by it not
22 inconsistent with law. However, no such license shall be so
23 revoked or suspended except after a hearing by the State
24 commission with reasonable notice to the licensee served by
25 electronic or other reasonable means ~~registered or certified~~

1 ~~mail with return receipt requested~~ at least 10 days prior to
2 the hearings at the last known place of business of the
3 licensee or to the licensee's primary or supplemental email
4 address and after an opportunity to appear and defend. Such
5 notice shall specify the time and place of the hearing, the
6 nature of the charges, the specific provisions of the Act and
7 rules violated, and the specific facts supporting the charges
8 or violation. The findings of the Commission shall be
9 predicated upon competent evidence. The revocation of a local
10 license shall automatically result in the revocation of a
11 State license. Upon notification by the Illinois Department of
12 Revenue, the State Commission, in accordance with Section
13 3-12, may refuse the issuance or renewal of a license, fine a
14 licensee, or suspend or revoke any license issued by the State
15 Commission if the licensee or license applicant has violated
16 the provisions of Section 3 of the Retailers' Occupation Tax
17 Act. All procedures for the suspension or revocation of a
18 license, as enumerated above, are applicable to the levying of
19 fines for violations of this Act or any rule or regulation
20 issued pursuant thereto.

21 (Source: P.A. 95-331, eff. 8-21-07.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".