

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 1-3.17.1, 3-12, 5-1, 5-3, 6-4, and 8-2 and
6 by adding Sections 1-3.47, 1-3.48, and 6-40 as follows:

7 (235 ILCS 5/1-3.17.1) (from Ch. 43, par. 95.17.1)

8 Sec. 1-3.17.1. "Special event retailer" means an
9 educational, fraternal, political, civic, religious, or
10 non-profit organization which sells or offers for sale beer,
11 spirits, or wine, or any combination thereof, only for
12 consumption on or off the premises specified in the license
13 and those sales are made at the location and on the dates
14 designated by a special event retail license.

15 (Source: P.A. 100-17, eff. 6-30-17.)

16 (235 ILCS 5/1-3.47 new)

17 Sec. 1-3.47. Class 3 craft distiller. "Class 3 craft
18 distiller" means a person who is a holder of a distiller
19 license or a non-resident dealer license who manufactures no
20 more than 100,000 gallons of spirits per year in the aggregate
21 and who may make sales to importing distributors,
22 distributors, and retail licensees in accordance with the

1 conditions set forth in paragraph (21) of subsection (a) of
2 Section 3-12.

3 (235 ILCS 5/1-3.48 new)

4 Sec. 1-3.48. Spirits showcase permit. "Spirits showcase
5 permit" means a license for use by a class 1 craft distiller,
6 class 2 craft distiller, or class 3 craft distiller to allow
7 for the transfer of spirits only from an existing licensed
8 premises of a class 1 craft distiller, class 2 craft
9 distiller, or class 3 craft distiller to a designated site for
10 a specific event.

11 (235 ILCS 5/3-12)

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

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

15 (1) To receive applications and to issue licenses to
16 manufacturers, foreign importers, importing distributors,
17 distributors, non-resident dealers, on premise consumption
18 retailers, off premise sale retailers, special event
19 retailer licensees, special use permit licenses, auction
20 liquor licenses, brew pubs, caterer retailers,
21 non-beverage users, railroads, including owners and
22 lessees of sleeping, dining, and cafe cars, airplanes,
23 boats, brokers, and wine maker's premises licensees in
24 accordance with the provisions of this Act, and to suspend

1 or revoke such licenses upon the State Commission's
2 determination, upon notice after hearing, that a licensee
3 has violated any provision of this Act or any rule or
4 regulation issued pursuant thereto and in effect for 30
5 days prior to such violation. Except in the case of an
6 action taken pursuant to a violation of Section 6-3, 6-5,
7 or 6-9, any action by the State Commission to suspend or
8 revoke a licensee's license may be limited to the license
9 for the specific premises where the violation occurred. An
10 action for a violation of this Act shall be commenced by
11 the State Commission within 2 years after the date the
12 State Commission becomes aware of the violation.

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

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

26 The fine imposed under this paragraph may not exceed

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

16 Any notice issued by the State Commission to a
17 licensee for a violation of this Act or any notice with
18 respect to settlement or offer in compromise shall include
19 the field report, photographs, and any other supporting
20 documentation necessary to reasonably inform the licensee
21 of the nature and extent of the violation or the conduct
22 alleged to have occurred. The failure to include such
23 required documentation shall result in the dismissal of
24 the action.

25 (2) To adopt such rules and regulations consistent
26 with the provisions of this Act which shall be necessary

1 to carry on its functions and duties to the end that the
2 health, safety, and welfare of the People of the State of
3 Illinois shall be protected and temperance in the
4 consumption of alcoholic liquors shall be fostered and
5 promoted and to distribute copies of such rules and
6 regulations to all licensees affected thereby.

7 (3) To call upon other administrative departments of
8 the State, county and municipal governments, county and
9 city police departments, and ~~upon~~ prosecuting officers for
10 such information and assistance as it deems necessary in
11 the performance of its duties.

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

16 (5) To inspect, or cause to be inspected, any premises
17 in this State where alcoholic liquors are manufactured,
18 distributed, warehoused, or sold. Nothing in this Act
19 authorizes an agent of the State Commission to inspect
20 private areas within the premises without reasonable
21 suspicion or a warrant during an inspection. "Private
22 areas" includes ~~include~~, but is ~~are~~ not limited to, safes,
23 personal property, and closed desks.

24 (5.1) Upon receipt of a complaint or upon having
25 knowledge that any person is engaged in business as a
26 manufacturer, importing distributor, distributor, or

1 retailer without a license or valid license, to conduct an
2 investigation. If, after conducting an investigation, the
3 State Commission is satisfied that the alleged conduct
4 occurred or is occurring, it may issue a cease and desist
5 notice as provided in this Act, impose civil penalties as
6 provided in this Act, notify the local liquor authority,
7 or file a complaint with the State's Attorney's Office of
8 the county where the incident occurred or the Attorney
9 General.

10 (5.2) Upon receipt of a complaint or upon having
11 knowledge that any person is shipping alcoholic liquor
12 into this State from a point outside of this State if the
13 shipment is in violation of this Act, to conduct an
14 investigation. If, after conducting an investigation, the
15 State Commission is satisfied that the alleged conduct
16 occurred or is occurring, it may issue a cease and desist
17 notice as provided in this Act, impose civil penalties as
18 provided in this Act, notify the foreign jurisdiction, or
19 file a complaint with the State's Attorney's Office of the
20 county where the incident occurred or the Attorney
21 General.

22 (5.3) To receive complaints from licensees, local
23 officials, law enforcement agencies, organizations, and
24 persons stating that any licensee has been or is violating
25 any provision of this Act or the rules and regulations
26 issued pursuant to this Act. Such complaints shall be in

1 writing, signed and sworn to by the person making the
2 complaint, and shall state with specificity the facts in
3 relation to the alleged violation. If the State Commission
4 has reasonable grounds to believe that the complaint
5 substantially alleges a violation of this Act or rules and
6 regulations adopted pursuant to this Act, it shall conduct
7 an investigation. If, after conducting an investigation,
8 the State Commission is satisfied that the alleged
9 violation did occur, it shall proceed with disciplinary
10 action against the licensee as provided in this Act.

11 (5.4) To make arrests and issue notices of civil
12 violations where necessary for the enforcement of this
13 Act.

14 (5.5) To investigate any and all unlicensed activity.

15 (5.6) To impose civil penalties or fines to any person
16 who, without holding a valid license, engages in conduct
17 that requires a license pursuant to this Act, in an amount
18 not to exceed \$20,000 for each offense as determined by
19 the State Commission. A civil penalty shall be assessed by
20 the State Commission after a hearing is held in accordance
21 with the provisions set forth in this Act regarding the
22 provision of a hearing for the revocation or suspension of
23 a license.

24 (6) To hear and determine appeals from orders of a
25 local commission in accordance with the provisions of this
26 Act, as hereinafter set forth. Hearings under this

1 subsection shall be held in Springfield or Chicago, at
2 whichever location is the more convenient for the majority
3 of persons who are parties to the hearing.

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

1 time to time, alter, amend, or repeal, in whole or in part,
2 any uniform system of accounts, or the form and manner of
3 keeping accounts.

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

19 Any circuit court may, by order duly entered, require
20 the attendance of witnesses and the production of relevant
21 books subpoenaed by the State Commission and the court may
22 compel obedience to its order by proceedings for contempt.

23 (9) To investigate the administration of laws in
24 relation to alcoholic liquors in this and other states and
25 any foreign countries, and to recommend from time to time
26 to the Governor and through him or her to the legislature

1 of this State, such amendments to this Act, if any, as it
2 may think desirable and as will serve to further the
3 general broad purposes contained in Section 1-2 hereof.

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

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

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

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

25 (13) (Blank) .

26 (14) On or before April 30, 2008 and every 2 years

1 thereafter, the State Commission shall present a written
2 report to the Governor and the General Assembly that shall
3 be based on a study of the impact of Public Act 95-634 on
4 the business of soliciting, selling, and shipping wine
5 from inside and outside of this State directly to
6 residents of this State. As part of its report, the State
7 Commission shall provide all of the following information:

8 (A) The amount of State excise and sales tax
9 revenues generated.

10 (B) The amount of licensing fees received.

11 (C) The number of cases of wine shipped from
12 inside and outside of this State directly to residents
13 of this State.

14 (D) The number of alcohol compliance operations
15 conducted.

16 (E) The number of winery shipper's licenses
17 issued.

18 (F) The number of each of the following: reported
19 violations; cease and desist notices issued by the
20 State Commission; notices of violations issued by the
21 State Commission and to the Department of Revenue; and
22 notices and complaints of violations to law
23 enforcement officials, including, without limitation,
24 the Illinois Attorney General and the U.S. Department
25 of Treasury's Alcohol and Tobacco Tax and Trade
26 Bureau.

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

9 (16) The State Commission shall, in addition to
10 notifying any appropriate law enforcement agency, submit
11 notices of complaints or violations of Sections 6-29 and
12 6-29.1 by persons who do not hold a winery shipper's
13 license under this Act to the Illinois Attorney General
14 and to the U.S. Department of Treasury's Alcohol and
15 Tobacco Tax and Trade Bureau.

16 (17) (A) A person licensed to make wine under the laws
17 of another state who has a winery shipper's license under
18 this Act and annually produces less than 25,000 gallons of
19 wine or a person who has a first-class or second-class
20 wine manufacturer's license, a first-class or second-class
21 wine-maker's license, or a limited wine manufacturer's
22 license under this Act and annually produces less than
23 25,000 gallons of wine may make application to the State
24 Commission for a self-distribution exemption to allow the
25 sale of not more than 5,000 gallons of the exemption
26 holder's wine to retail licensees per year and to sell

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

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

16 (C) The State Commission shall approve the application
17 for a self-distribution exemption if such person: (1) is
18 in compliance with State revenue and liquor laws; (2) is
19 not a member of any affiliated group that produces
20 directly or indirectly more than 25,000 gallons of wine
21 per annum, 930,000 gallons of beer per annum, or 50,000
22 gallons of spirits per annum; (3) will not annually
23 produce for sale more than 25,000 gallons of wine, 930,000
24 gallons of beer, or 50,000 gallons of spirits; and (4)
25 will not annually sell more than 5,000 gallons of its wine
26 to retail licensees.

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

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

22 (F) The State Commission shall issue regulations
23 governing self-distribution exemptions consistent with
24 this Section and this Act.

25 (G) Nothing in this paragraph (17) shall prohibit a
26 self-distribution exemption holder from entering into or

1 simultaneously having a distribution agreement with a
2 licensed Illinois distributor.

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

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

25 (B) In the application, which shall be sworn under
26 penalty of perjury, the class 1 brewer licensee shall

1 state (1) the date it was established; (2) its volume of
2 beer manufactured and sold for each year since its
3 establishment; (3) its efforts to establish distributor
4 relationships; (4) that a self-distribution exemption is
5 necessary to facilitate the marketing of its beer; and (5)
6 that it will comply with the alcoholic beverage and
7 revenue laws of the United States, this State, and any
8 other state where it is 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 class 1 brewer licensee: (1) is in compliance with
14 the State, revenue, and alcoholic beverage laws; (2) is
15 not a member of any affiliated group that manufactures,
16 directly or indirectly, more than 930,000 gallons of beer
17 per annum, 25,000 gallons of wine per annum, or 50,000
18 gallons of spirits per annum; (3) shall not annually
19 manufacture for sale more than 930,000 gallons of beer,
20 25,000 gallons of wine, or 50,000 gallons of spirits; (4)
21 shall not annually sell more than 232,500 gallons of its
22 beer to retail licensees and class 3 brewers and to
23 brewers, class 1 brewers, and class 2 brewers that,
24 pursuant to subsection (e) of Section 6-4 of this Act,
25 sell beer, cider, mead, or any combination thereof to
26 non-licensees at their breweries; and (5) has relinquished

1 any brew pub license held by the licensee, including any
2 ownership interest it held in the licensed brew pub.

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

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

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

1 the self-distribution exemption holder's distribution
2 rights in the assigned territories shall cease in a
3 reasonable time not to exceed 60 days.

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

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

18 (B) In the application, which shall be sworn under
19 penalty of perjury, the class 1 craft distiller licensee
20 or non-resident dealer shall state (1) the date it was
21 established; (2) its volume of spirits manufactured and
22 sold for each year since its establishment; (3) its
23 efforts to establish distributor relationships; (4) that a
24 self-distribution exemption is necessary to facilitate the
25 marketing of its spirits; and (5) that it will comply with
26 the alcoholic beverage and revenue laws of the United

1 States, this State, and any other state where it is
2 licensed.

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

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

1 has become part of an affiliated group manufacturing more
2 than 50,000 gallons of spirits, 930,000 gallons of beer,
3 or 25,000 gallons of wine.

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

6 (F) Nothing in this paragraph (19) 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 (G) It is the intent of this paragraph (19) 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 spirits access to the
16 marketplace in order to develop a customer base without
17 impairing the integrity of the 3-tier system.

18 (20) (A) A class 3 brewer licensee who must manufacture
19 less than 465,000 gallons of beer in the aggregate and not
20 more than 155,000 gallons at any single brewery premises
21 may make application to the State Commission for a
22 self-distribution exemption to allow the sale of not more
23 than 6,200 gallons of beer from each in-state or
24 out-of-state class 3 brewery premises, which shall not
25 exceed 18,600 gallons annually in the aggregate, that is
26 manufactured at a wholly owned class 3 brewer's in-state

1 or out-of-state licensed premises to retail licensees and
2 class 3 brewers and to brewers, class 1 brewers, class 2
3 brewers that, pursuant to subsection (e) of Section 6-4,
4 sell beer, cider, or both beer and cider to non-licensees
5 at their licensed breweries.

6 (B) In the application, which shall be sworn under
7 penalty of perjury, the class 3 brewer licensee shall
8 state:

9 (1) the date it was established;

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

12 (3) its efforts to establish distributor
13 relationships;

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

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

19 (C) Any application submitted shall be posted on the
20 State Commission's website at least 45 days before action
21 by the State Commission. The State Commission shall
22 approve the application for a self-distribution exemption
23 if the class 3 brewer licensee: (1) is in compliance with
24 the State, revenue, and alcoholic beverage laws; (2) is
25 not a member of any affiliated group that manufacturers,
26 directly or indirectly, more than 465,000 gallons of beer

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

12 (D) A self-distribution exemption holder shall
13 annually certify to the State Commission its manufacture
14 of beer during the previous 12 months and its anticipated
15 manufacture and sales of beer for the next 12 months. The
16 State Commission may fine, suspend, or revoke a
17 self-distribution exemption after a hearing if it finds
18 that the exemption holder has made a material
19 misrepresentation in its application, violated a revenue
20 or alcoholic beverage law of Illinois, exceeded the
21 manufacture of 465,000 gallons of beer in any calendar
22 year or became part of an affiliated group manufacturing
23 more than 465,000 gallons of beer, or exceeded the sale to
24 retail licensees, brewers, class 1 brewers, class 2
25 brewers, and class 3 brewers of 6,200 gallons per brewery
26 location or 18,600 gallons in the aggregate.

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

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

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

21 (21) (A) A class 3 craft distiller licensee who
22 manufactures less than 100,000 gallons of spirits in the
23 aggregate may make application to the State Commission for
24 a self-distribution exemption to allow the sale of not
25 more than 5,000 gallons of the exemption holder's spirits
26 per year that are manufactured at a wholly owned class 3

1 craft distiller's in-state or out-of-state licensed
2 premises to retail licensees and class 3 brewers and to
3 class 3 craft distillers that, pursuant to subsection (e)
4 of Section 6-4, sell beer, cider, spirits, or any
5 combination thereof to non-licensees at their licensed
6 distilleries.

7 (B) In the application, which shall be sworn under
8 penalty of perjury, the class 3 craft distiller licensee
9 shall state:

10 (1) the date it was established;

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

13 (3) its efforts to establish distributor
14 relationships;

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

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

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

26 (1) is in compliance with the State, revenue, and

1 alcoholic beverage laws;

2 (2) is not a member of any affiliated group that
3 manufacturers, directly or indirectly, more than
4 100,000 gallons of spirits per annum;

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

7 (4) does not sell more than 5,000 gallons of its
8 spirits per year to retail licensees and class 3
9 brewers and to class 3 craft distillers that, pursuant
10 to subsection (e) of Section 6-4, sell beer, cider,
11 spirits, or any combination thereof to non-licensees
12 at their licensed distilleries.

13 (D) A self-distribution exemption holder shall
14 annually certify to the State Commission its manufacture
15 of spirits during the previous 12 months and its
16 anticipated manufacture and sales of spirits for the next
17 12 months. The State Commission may fine, suspend, or
18 revoke a self-distribution exemption after a hearing if it
19 finds that the exemption holder has made a material
20 misrepresentation in its application, violated a revenue
21 or alcoholic beverage law of Illinois, exceeded the
22 manufacture of 100,000 gallons of spirits in any calendar
23 year, or became part of an affiliated group manufacturing
24 more than 100,000 gallons of spirits.

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

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

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

13 (b) On or before April 30, 1999, the Commission shall
14 present a written report to the Governor and the General
15 Assembly that shall be based on a study of the impact of Public
16 Act 90-739 on the business of soliciting, selling, and
17 shipping alcoholic liquor from outside of this State directly
18 to residents of this State.

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

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

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

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

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

4 (Source: P.A. 101-37, eff. 7-3-19; 101-81, eff. 7-12-19;
5 101-482, eff. 8-23-19; 102-442, eff. 8-20-21; 102-558, eff.
6 8-20-21; 102-813, eff. 5-13-22; revised 7-17-25.)

7 (235 ILCS 5/5-1) (from Ch. 43, par. 115)
8 Sec. 5-1. Licenses issued by the Illinois Liquor Control
9 Commission shall be of the following classes:

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

18 (b) Distributor's license,

19 (c) Importing Distributor's license,

20 (d) Retailer's license,

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

22 (f) Railroad license,

23 (g) Boat license,

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

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

- 1 (j) Airplane license,
- 2 (k) Foreign importer's license,
- 3 (l) Broker's license,
- 4 (m) Non-resident dealer's license,
- 5 (n) Brew Pub license,
- 6 (o) Auction liquor license,
- 7 (p) Caterer retailer license,
- 8 (q) Special use permit license,
- 9 (r) Winery shipper's license,
- 10 (s) Craft distiller tasting permit,
- 11 (t) Brewer warehouse permit,
- 12 (u) Distilling pub license,
- 13 (v) Craft distiller warehouse permit,
- 14 (w) Beer showcase permit, ~~and~~
- 15 (x) Spirits showcase permit.

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

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

24 Class 1. A Distiller may make sales and deliveries of
25 alcoholic liquor to distillers, rectifiers, importing
26 distributors, distributors, ~~and~~ and non-beverage users and to no

1 other licensees.

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

6 Class 3. A Brewer may make sales and deliveries of beer to
7 importing distributors and distributors and may make sales as
8 authorized under subsection (e) of Section 6-4 of this Act,
9 including any alcoholic liquor that subsection (e) of Section
10 6-4 authorizes a brewer to sell in its original package only to
11 a non-licensee for pick-up by a non-licensee either within the
12 interior of the brewery premises or ~~at~~ outside of the brewery
13 premises at a curb-side or parking lot adjacent to the brewery
14 premises, subject to any local ordinance.

15 Class 4. A first class wine-manufacturer may make sales
16 and deliveries of up to 50,000 gallons of wine to
17 manufacturers, importing distributors and distributors, and to
18 no other licensees. If a first-class wine-manufacturer
19 manufactures beer, it shall also obtain and shall only be
20 eligible for, in addition to any current license, a class 1
21 brewer license, shall not manufacture more than 930,000
22 gallons of beer per year, and shall not be a member of or
23 affiliated with, directly or indirectly, a manufacturer that
24 produces more than 930,000 gallons of beer per year. If the
25 first-class wine-manufacturer manufactures spirits, it shall
26 also obtain and shall only be eligible for, in addition to any

1 current license, a class 1 craft distiller license, shall not
2 manufacture more than 50,000 gallons of spirits per year, and
3 shall not be a member of or affiliated with, directly or
4 indirectly, a manufacturer that produces more than 50,000
5 gallons of spirits per year. A first-class wine-manufacturer
6 shall be permitted to sell wine manufactured at the
7 first-class wine-manufacturer premises to non-licensees.

8 Class 5. A second class wine ~~wine~~ manufacturer may make
9 sales and deliveries of more than 50,000 gallons of wine to
10 manufacturers, importing distributors and distributors and to
11 no other licensees.

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

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

13 Class 7. A second-class wine-maker's license shall allow
14 the manufacture of up to 150,000 gallons of wine per year, and
15 the storage and sale of such wine to distributors in this State
16 and to persons without the State, as may be permitted by law. A
17 person who, prior to June 1, 2008 (the effective date of Public
18 Act 95-634), is a holder of a second-class wine-maker's
19 license and annually produces more than 25,000 gallons of its
20 own wine and who distributes its wine to licensed retailers
21 shall cease this practice on or before July 1, 2008 in
22 compliance with Public Act 95-634. If a second-class
23 wine-maker manufactures beer, it shall also obtain and shall
24 only be eligible for, in addition to any current license, a
25 class 2 brewer license, shall not manufacture more than
26 3,720,000 gallons of beer per year, and shall not be a member

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

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

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

23 Class 10. A class 1 craft distiller license, which may
24 only be issued to a licensed craft distiller or licensed
25 non-resident dealer, shall allow the manufacture of up to
26 50,000 gallons of spirits per year provided that the class 1

craft distiller licensee does not manufacture more than a combined 50,000 gallons of spirits per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. If a class 1 craft distiller manufactures beer, it shall also obtain and shall only be eligible for, in addition to any current license, a class 1 brewer license, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If a class 1 craft distiller manufactures wine, it shall also obtain and shall only be eligible for, in addition to any current license, a first-class wine-manufacturer license or a first-class wine-maker's license, shall not manufacture more than 50,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of wine per year. A class 1 craft distiller licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph (19) of subsection (a) of Section 3-12 of this Act. However, the aggregate amount of spirits sold to non-licensees and sold or delivered to retail licensees may not exceed 5,000 gallons per year.

A class 1 craft distiller licensee may sell up to 5,000

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

8 A class 1 craft distiller licensee may hold more than one
9 class 1 craft distiller's license. However, a class 1 craft
10 distiller that holds more than one class 1 craft distiller
11 license shall not manufacture, in the aggregate, more than
12 50,000 gallons of spirits by distillation per year and shall
13 not sell, in the aggregate, more than 5,000 gallons of such
14 spirits to non-licensees in accordance with an exemption
15 approved by the State Commission pursuant to Section 6-4 of
16 this Act.

17 Class 11. A class 2 craft distiller license, which may
18 only be issued to a licensed craft distiller or licensed
19 non-resident dealer, shall allow the manufacture of up to
20 100,000 gallons of spirits per year provided that the class 2
21 craft distiller licensee does not manufacture more than a
22 combined 100,000 gallons of spirits per year and is not a
23 member of or affiliated with, directly or indirectly, a
24 manufacturer that produces more than 100,000 gallons of
25 spirits per year. If a class 2 craft distiller manufactures
26 beer, it shall also obtain and shall only be eligible for, in

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

1 a written record shall be maintained by the distiller and
2 distilling pub specifying the amount, date of delivery, and
3 receipt of the product by the distilling pub; and (v) the
4 distilling pub shall be located no farther than 80 miles from
5 the class 2 craft distiller's licensed location.

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

14 A class 2 craft distiller license holder may store such
15 spirits at a non-contiguous licensed location, but at no time
16 shall a class 2 craft distiller license holder directly or
17 indirectly produce in the aggregate more than 100,000 gallons
18 of spirits per year.

19 Class 12. A class 1 brewer license, which may only be
20 issued to a licensed brewer or licensed non-resident dealer,
21 shall allow the manufacture of up to 930,000 gallons of beer
22 per year provided that the class 1 brewer licensee does not
23 manufacture more than a combined 930,000 gallons of beer per
24 year and is not a member of or affiliated with, directly or
25 indirectly, a manufacturer that produces more than 930,000
26 gallons of beer per year. If a class 1 brewer manufactures

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

22 Class 13. A class 2 brewer license, which may only be
23 issued to a licensed brewer or licensed non-resident dealer,
24 shall allow the manufacture of up to 3,720,000 gallons of beer
25 per year provided that the class 2 brewer licensee does not
26 manufacture more than a combined 3,720,000 gallons of beer per

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

24 A class 2 brewer may transfer beer to a brew pub wholly
25 owned and operated by the class 2 brewer subject to the
26 following limitations and restrictions: (i) the transfer shall

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

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

16 Class 14. A class 3 brewer license, which may be issued to
17 a brewer or a non-resident dealer, shall allow the manufacture
18 of no more than 465,000 gallons of beer per year and no more
19 than 155,000 gallons at a single brewery premises, and shall
20 allow the sale of no more than 6,200 gallons of beer from each
21 in-state or out-of-state class 3 brewery premises, or 18,600
22 gallons in the aggregate, to retail licensees, class 1
23 brewers, class 2 brewers, and class 3 brewers as long as the
24 class 3 brewer licensee does not manufacture more than a
25 combined 465,000 gallons of beer per year and is not a member
26 of or affiliated with, directly or indirectly, a manufacturer

1 that produces more than 465,000 gallons of beer per year to
2 make sales to importing distributors, distributors, retail
3 licensees, brewers, class 1 brewers, class 2 brewers, and
4 class 3 brewers in accordance with the conditions set forth in
5 paragraph (20) of subsection (a) of Section 3-12. If the State
6 Commission provides prior approval, a class 3 brewer may
7 annually transfer up to 155,000 gallons of beer manufactured
8 by that class 3 brewer to the premises of a licensed class 3
9 brewer wholly owned and operated by the same licensee. A class
10 3 brewer shall manufacture beer at the brewer's class 3
11 designated licensed premises, and may sell beer as otherwise
12 provided in this Act.

13 Class 15. A class 3 craft distiller license, which may be
14 issued to a distiller or a non-resident dealer, shall allow
15 the manufacture of no more than 100,000 gallons of spirits per
16 year and shall allow the sale of spirits from the class 3 craft
17 distiller's in-state or out-of-state class 3 craft distillery
18 premises to retail licensees, class 3 brewers, and class 3
19 craft distillers as long as the class 3 craft distiller
20 licensee does not manufacture more than a combined 100,000
21 gallons of spirits per year and is not a member of or
22 affiliated with, directly or indirectly, a manufacturer that
23 produces more than 100,000 gallons of spirits per year and to
24 make sales to importing distributors, distributors, retail
25 licensees, class 3 brewers, and class 3 craft distillers in
26 accordance with the conditions set forth in paragraph (21) of

1 subsection (a) of Section 3-12. If the State Commission
2 provides prior approval, a class 3 craft distiller may
3 annually transfer up to 2,500 gallons of spirits manufactured
4 by that class 3 craft distiller to the premises of a licensed
5 class 3 craft distiller wholly owned and operated by the same
6 licensee. A class 3 craft distiller shall manufacture spirits
7 at the distiller's class 3 designated licensed premises and
8 may sell spirits as otherwise provided in this Act.

9 (a-1) A manufacturer that ~~which~~ is licensed in this State
10 to make sales or deliveries of alcoholic liquor to licensed
11 distributors or importing distributors and which enlists
12 agents, representatives, or individuals acting on its behalf
13 who contact licensed retailers on a regular and continual
14 basis in this State must register those agents,
15 representatives, or persons acting on its behalf with the
16 State Commission.

17 Registration of agents, representatives, or persons acting
18 on behalf of a manufacturer is fulfilled by submitting a form
19 to the State Commission. The form shall be developed by the
20 State Commission and shall include the name and address of the
21 applicant, the name and address of the manufacturer he or she
22 represents, the territory or areas assigned to sell to or
23 discuss pricing terms of alcoholic liquor, and any other
24 questions deemed appropriate and necessary. All statements in
25 the forms required to be made by law or by rule shall be deemed
26 material, and any person who knowingly misstates any material

1 fact under oath in an application is guilty of a Class B
2 misdemeanor. Fraud, misrepresentation, false statements,
3 misleading statements, evasions, or suppression of material
4 facts in the securing of a registration are grounds for
5 suspension or revocation of the registration. The State
6 Commission shall post a list of registered agents on the State
7 Commission's website.

8 (b) A distributor's license shall allow (i) the wholesale
9 purchase and storage of alcoholic liquors and sale of
10 alcoholic liquors to licensees in this State and to persons
11 without the State, as may be permitted by law; (ii) the sale of
12 beer, cider, mead, or any combination thereof to brewers,
13 class 1 brewers, and class 2 brewers that, pursuant to
14 subsection (e) of Section 6-4 of this Act, sell beer, cider,
15 mead, or any combination thereof to non-licensees at their
16 breweries; (iii) the sale of vermouth to class 1 craft
17 distillers and class 2 craft distillers that, pursuant to
18 subsection (e) of Section 6-4 of this Act, sell spirits,
19 vermouth, or both spirits and vermouth to non-licensees at
20 their distilleries; or (iv) as otherwise provided in this Act.
21 No person licensed as a distributor shall be granted a
22 non-resident dealer's license.

23 (c) An importing distributor's license may be issued to
24 and held by those only who are duly licensed distributors,
25 upon the filing of an application by a duly licensed
26 distributor, with the State Commission and the State

1 Commission shall, without the payment of any fee, immediately
2 issue such importing distributor's license to the applicant,
3 which shall allow the importation of alcoholic liquor by the
4 licensee into this State from any point in the United States
5 outside this State, and the purchase of alcoholic liquor in
6 barrels, casks, or other bulk containers and the bottling of
7 such alcoholic liquors before resale thereof, but all bottles
8 or containers so filled shall be sealed, labeled, stamped, and
9 otherwise made to comply with all provisions, rules, and
10 regulations governing manufacturers in the preparation and
11 bottling of alcoholic liquors. The importing distributor's
12 license shall permit such licensee to purchase alcoholic
13 liquor from Illinois licensed non-resident dealers and foreign
14 importers only. No person licensed as an importing distributor
15 shall be granted a non-resident dealer's license.

16 (d) A retailer's license shall allow the licensee to sell
17 and offer for sale at retail, only in the premises specified in
18 the license, alcoholic liquor for use or consumption, but not
19 for resale in any form. Except as provided in Section 6-16,
20 6-29, or 6-29.1, nothing in this Act shall deny, limit,
21 remove, or restrict the ability of a holder of a retailer's
22 license to transfer or ship alcoholic liquor to the purchaser
23 for use or consumption subject to any applicable local law or
24 ordinance. For the purposes of this Section, "shipping" means
25 the movement of alcoholic liquor from a licensed retailer to a
26 consumer via a common carrier. Except as provided in Section

1 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit,
2 remove, or restrict the ability of a holder of a retailer's
3 license to deliver alcoholic liquor to the purchaser for use
4 or consumption. The delivery shall be made only within 12
5 hours from the time the alcoholic liquor leaves the licensed
6 premises of the retailer for delivery. For the purposes of
7 this Section, "delivery" means the movement of alcoholic
8 liquor purchased from a licensed retailer to a consumer
9 through the following methods:

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

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

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

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

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

1 Except for a municipality with a population of more than
2 1,000,000 inhabitants, a home rule unit may not regulate the
3 delivery of alcoholic liquor inconsistent with this
4 subsection. This paragraph is a limitation under subsection
5 (i) of Section 6 of Article VII of the Illinois Constitution on
6 the concurrent exercise by home rule units of powers and
7 functions exercised by the State. A non-home rule municipality
8 may not regulate the delivery of alcoholic liquor inconsistent
9 with this subsection.

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

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

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

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

25 (f) A railroad license shall permit the licensee to import
26 alcoholic liquors into this State from any point in the United

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

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

26 (h) A non-beverage user's license shall allow the licensee

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

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

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

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

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

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

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

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

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

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

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

26 (ii) A broker's license shall be required of a person

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

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

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

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

22 (m) A non-resident dealer's license shall permit such
23 licensee to ship into and warehouse alcoholic liquor into this
24 State from any point outside of this State, and to sell such
25 alcoholic liquor to Illinois licensed foreign importers and
26 importing distributors and to no one else in this State;

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

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

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

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

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

26 Notwithstanding any other provision of this Act, a

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

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

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

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

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

26 (4) relinquishes all commonly owned retail licenses on

1 or before December 31, 2022.

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

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

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

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

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

24 (p) An auction liquor license shall allow the licensee to
25 sell and offer for sale at auction wine and spirits for use or
26 consumption, or for resale by an Illinois liquor licensee in

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

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

24 A special use permit license shall allow the holder to
25 transfer any inventory from the holder's special use premises
26 to its retail premises at the conclusion of the special use

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

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

25 (r) A winery shipper's license shall allow a person with a
26 first-class or second-class wine manufacturer's license, a

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

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

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

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

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

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

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

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

1 offense.

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

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

1 the provisions of Article VII of this Act.

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

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

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

17 (s) A craft distiller tasting permit license shall allow
18 an Illinois licensed class 1 craft distiller or class 2 craft
19 distiller to transfer a portion of its alcoholic liquor
20 inventory from its class 1 craft distiller or class 2 craft
21 distiller licensed premises to the premises specified in the
22 license hereby created and to conduct a sampling, only in the
23 premises specified in the license hereby created, of the
24 transferred alcoholic liquor in accordance with subsection (c)
25 of Section 6-31 of this Act. The transferred alcoholic liquor
26 may not be sold or resold in any form. An applicant for the

1 craft distiller tasting permit license must also submit with
2 the application proof satisfactory to the State Commission
3 that the applicant will provide dram shop liability insurance
4 to the maximum limits and have local authority approval.

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

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

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

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

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

25 (v) A craft distiller warehouse permit may be issued to
26 the holder of a class 1 craft distiller or class 2 craft

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

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

1 6-27.1.

2 (x) A spirits showcase permit shall allow a class 3 craft
3 distiller to transfer only spirits the class 3 craft distiller
4 manufactures from its licensed premises to the premises
5 specified in the spirits showcase permit and to sell or offer
6 for sale at retail, only in the premises specified in the
7 spirits showcase permit, the transferred or delivered spirits
8 for on-premises or off-premises consumption, but not for
9 resale in any form, and to sell to non-licensees not more than
10 156 fluid ounces of spirits per person. A spirits showcase
11 permit may be granted for the following time periods: one day
12 or less; or 2 or more days up to a maximum of 15 days per
13 location in any 12-month period. An applicant for a spirits
14 showcase permit must also submit with the application proof
15 satisfactory to the State Commission that the applicant will
16 provide dram shop liability insurance to the maximum limits
17 and have local authority approval. The State Commission shall
18 require the spirits showcase applicant to comply with Section
19 6-27.1.

20 (Source: P.A. 101-16, eff. 6-14-19; 101-31, eff. 6-28-19;
21 101-81, eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff.
22 8-23-19; 101-615, eff. 12-20-19; 101-668, eff. 1-1-22;
23 102-442, eff. 8-20-21; 102-1142, eff. 2-17-23; revised
24 7-2-25.)

25 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

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

	Online renewal	Initial license or non-online renewal
13 For a manufacturer's license:		
14 Class 1. Distiller	\$4,000	\$5,000
15 Class 2. Rectifier	4,000	5,000
16 Class 3. Brewer	1,200	1,500
17 Class 4. First-class Wine		
18 Manufacturer	750	900
19 Class 5. Second-class		
20 Wine Manufacturer	1,500	1,750
21 Class 6. First-class wine-maker	750	900
22 Class 7. Second-class wine-maker ..	1,500	1,750
23 Class 8. Limited Wine		
24 Manufacturer	250	350
25 Class 9. Craft Distiller	2,000	2,500
26 Class 10. Class 1 Craft Distiller ..	50	75

1	Class 11. Class 2 Craft Distiller ..	75	100
2	Class 12. Class 1 Brewer	50	75
3	Class 13. Class 2 Brewer	75	100
4	Class 14. Class 3 Brewer	25	50
5	<u>Class 15. Class 3 Craft Distiller ..</u>	<u>175</u>	<u>200</u>
6	For a Brew Pub License	1,200	1,500
7	For a Distilling Pub License	1,200	1,500
8	For a caterer retailer's license ..	350	500
9	For a foreign importer's license ..	25	25
10	For an importing distributor's		
11	license.....	25	25
12	For a distributor's license		
13	(11,250,000 gallons		
14	or over)	1,450	2,200
15	For a distributor's license		
16	(over 4,500,000 gallons, but		
17	under 11,250,000 gallons)	950	1,450
18	For a distributor's license		
19	(4,500,000 gallons or under) ..	300	450
20	For a non-resident dealer's license		
21	(500,000 gallons or over)		
22	or with self-distribution		
23	privileges	1,200	1,500
24	For a non-resident dealer's license		
25	(under 500,000 gallons)	250	350
26	For a wine-maker's premises		

1	license.....	250	500
2	For a winery shipper's license		
3	(under 250,000 gallons)	200	350
4	For a winery shipper's license		
5	(250,000 or over, but		
6	under 500,000 gallons)	750	1,000
7	For a winery shipper's license		
8	(500,000 gallons or over)	1,200	1,500
9	For a wine-maker's premises		
10	license, second location	500	1,000
11	For a wine-maker's premises		
12	license, third location.....	500	1,000
13	For a retailer's license	600	750
14	For a special event retailer's		
15	license, (not-for-profit).....	25	25
16	For a beer showcase permit,		
17	one day only	100	150
18	2 days or more	150	250
19	<u>For a spirits showcase permit,</u>		
20	<u>one day only</u>	<u>100</u>	<u>150</u>
21	<u>2 days or more</u>	<u>150</u>	<u>250</u>
22	For a special use permit license,		
23	one day only	100	150
24	2 days or more	150	250
25	For a railroad license	100	150
26	For a boat license	500	1,000

1	For an airplane license, times the		
2	licensee's maximum number of		
3	aircraft in flight, serving		
4	liquor over the State at any		
5	given time, which either		
6	originate, terminate, or make		
7	an intermediate stop in		
8	the State	100	150
9	For a non-beverage user's license:		
10	Class 1	24	24
11	Class 2	60	60
12	Class 3	120	120
13	Class 4	240	240
14	Class 5	600	600
15	For a broker's license	750	1,000
16	For an auction liquor license	100	150
17	For a homebrewer special		
18	event permit	25	25
19	For a craft distiller		
20	tasting permit	25	25
21	For a BASSET trainer license	300	350
22	For a tasting representative		
23	license	200	300
24	For a brewer warehouse permit	25	25
25	For a craft distiller		
26	warehouse permit	25	25

1 Fees collected under this Section shall be paid into the
2 Dram Shop Fund. The State Commission shall waive license
3 renewal fees for those retailers' licenses that are designated
4 as "1A" by the State Commission and expire on or after July 1,
5 2022, and on or before June 30, 2023. One-half of the funds
6 received for a retailer's license shall be paid into the Dram
7 Shop Fund and one-half of the funds received for a retailer's
8 license shall be paid into the General Revenue Fund.

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

11 (a) Hospitals, sanitariums, or clinics when their use
12 of alcoholic liquor is exclusively medicinal, mechanical,
13 or scientific.

14 (b) Universities, colleges of learning, or schools
15 when their use of alcoholic liquor is exclusively
16 medicinal, mechanical, or scientific.

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

19 (Source: P.A. 102-442, eff. 8-20-21; 102-558, eff. 8-20-21;
20 102-699, eff. 4-19-22; 102-1142, eff. 2-17-23; 103-154, eff.
21 6-30-23; 103-605, eff. 7-1-24.)

22 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

23 Sec. 6-4. Prohibited ownership interests; retail sales by
24 certain manufacturers.

25 (a) No person licensed by any licensing authority as a

1 distiller, or a wine manufacturer, or any subsidiary or
2 affiliate thereof, or any officer, associate, member, partner,
3 representative, employee, agent or shareholder owning more
4 than 5% of the outstanding shares of such person shall be
5 issued an importing distributor's or distributor's license,
6 nor shall any person licensed by any licensing authority as an
7 importing distributor, distributor or retailer, or any
8 subsidiary or affiliate thereof, or any officer or associate,
9 member, partner, representative, employee, agent or
10 shareholder owning more than 5% of the outstanding shares of
11 such person be issued a distiller's license, a craft
12 distiller's license, or a wine manufacturer's license; and no
13 person or persons licensed as a distiller, craft distiller,
14 class 1 craft distiller, or class 2 craft distiller by any
15 licensing authority shall have any interest, directly or
16 indirectly, with such distributor or importing distributor.

17 However, an importing distributor or distributor, which on
18 January 1, 1985 is owned by a brewer, or any subsidiary or
19 affiliate thereof or any officer, associate, member, partner,
20 representative, employee, agent or shareholder owning more
21 than 5% of the outstanding shares of the importing distributor
22 or distributor referred to in this paragraph, may own or
23 acquire an ownership interest of more than 5% of the
24 outstanding shares of a wine manufacturer and be issued a wine
25 manufacturer's license by any licensing authority.

26 (b) The foregoing provisions shall not apply to any person

1 licensed by any licensing authority as a distiller or wine
2 manufacturer, or to any subsidiary or affiliate of any
3 distiller or wine manufacturer who shall have been heretofore
4 licensed by the State Commission as either an importing
5 distributor or distributor during the annual licensing period
6 expiring June 30, 1947, and shall actually have made sales
7 regularly to retailers.

8 (c) Provided, however, that in such instances where a
9 distributor's or importing distributor's license has been
10 issued to any distiller or wine manufacturer or to any
11 subsidiary or affiliate of any distiller or wine manufacturer
12 who has, during the licensing period ending June 30, 1947,
13 sold or distributed as such licensed distributor or importing
14 distributor alcoholic liquors and wines to retailers, such
15 distiller or wine manufacturer or any subsidiary or affiliate
16 of any distiller or wine manufacturer holding such
17 distributor's or importing distributor's license may continue
18 to sell or distribute to retailers such alcoholic liquors and
19 wines which are manufactured, distilled, processed or marketed
20 by distillers and wine manufacturers whose products it sold or
21 distributed to retailers during the whole or any part of its
22 licensing periods; and such additional brands and additional
23 products may be added to the line of such distributor or
24 importing distributor, provided, that such brands and such
25 products were not sold or distributed by any distributor or
26 importing distributor licensed by the State Commission during

1 the licensing period ending June 30, 1947, but can not sell or
2 distribute to retailers any other alcoholic liquors or wines.

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

13 (e) Any person licensed as a brewer, class 1 brewer, or
14 class 2 brewer shall be permitted to sell on the licensed
15 premises to non-licensees for on or off-premises consumption
16 for the premises in which he or she actually conducts such
17 business: (i) beer manufactured by the brewer, class 1 brewer,
18 class 2 brewer, or class 3 brewer; (ii) beer manufactured by
19 any other brewer, class 1 brewer, class 2 brewer, or class 3
20 brewer; and (iii) cider or mead. Any person licensed as a class
21 3 brewer shall be permitted to sell on the licensed premises to
22 non-licensees for on or off premises consumption for the
23 premises in which he or she actually conducts such business:
24 (i) beer manufactured by the class 3 brewer on the premises;
25 (ii) beer manufactured by any other brewer, class 1 brewer,
26 class 2 brewer, or class 3 brewer; and (iii) cider, wine, and

1 spirits. All products sold under this subsection that are not
2 manufactured on premises must be purchased through a licensed
3 distributor, importing distributor, or manufacturer with
4 self-distribution privileges. Such sales shall be limited to
5 on-premises, in-person sales only, for lawful consumption on
6 or off premises. Such authorization shall be considered a
7 privilege granted by the brewer license and, other than a
8 manufacturer of beer as stated above, no manufacturer or
9 distributor or importing distributor, excluding airplane
10 licensees exercising powers provided in paragraph (i) of
11 Section 5-1 of this Act, or any subsidiary or affiliate
12 thereof, or any officer, associate, member, partner,
13 representative, employee or agent, or shareholder shall be
14 issued a retailer's license, nor shall any person having a
15 retailer's license, excluding airplane licensees exercising
16 powers provided in paragraph (i) of Section 5-1 of this Act, or
17 any subsidiary or affiliate thereof, or any officer,
18 associate, member, partner, representative or agent, or
19 shareholder be issued a manufacturer's license or importing
20 distributor's license.

21 A manufacturer of beer that imports or transfers beer into
22 this State must comply with Sections 6-8 and 8-1 of this Act.

23 A person who holds a class 2 brewer license and is
24 authorized by this Section to sell beer to non-licensees shall
25 not sell beer to non-licensees from more than 3 total brewer or
26 commonly owned brew pub licensed locations in this State. The

1 class 2 brewer shall designate to the State Commission the
2 brewer or brew pub locations from which it will sell beer to
3 non-licensees.

4 A person licensed as a class 1 craft distiller or a class 2
5 craft distiller, including a person who holds more than one
6 class 1 craft distiller or class 2 craft distiller license,
7 not affiliated with any other person manufacturing spirits may
8 be authorized by the State Commission to sell (1) up to 5,000
9 gallons of spirits produced by the person to non-licensees for
10 on or off-premises consumption for the premises in which he or
11 she actually conducts business permitting only the retail sale
12 of spirits manufactured at such premises and (2) vermouth
13 purchased through a licensed distributor for on-premises
14 consumption. Such sales shall be limited to on-premises,
15 in-person sales only, for lawful consumption on or off
16 premises, and such authorization shall be considered a
17 privilege granted by the class 1 craft distiller or class 2
18 craft distiller license. A class 1 craft distiller or class 2
19 craft distiller licensed for retail sale shall secure liquor
20 liability insurance coverage in an amount at least equal to
21 the maximum liability amounts set forth in subsection (a) of
22 Section 6-21 of this Act.

23 A class 1 craft distiller or class 2 craft distiller
24 license holder shall not deliver any alcoholic liquor to any
25 non-licensee off the licensed premises. A class 1 craft
26 distiller or class 2 craft distiller shall affirm in its

1 annual license application that it does not produce more than
2 50,000 or 100,000 gallons of distilled spirits annually,
3 whichever is applicable, and that the craft distiller does not
4 sell more than 5,000 gallons of spirits to non-licensees for
5 on or off-premises consumption. In the application, which
6 shall be sworn under penalty of perjury, the class 1 craft
7 distiller or class 2 craft distiller shall state the volume of
8 production and sales for each year since the class 1 craft
9 distiller's or class 2 craft distiller's establishment.

10 A person who holds a class 1 craft distiller or class 2
11 craft distiller license and is authorized by this Section to
12 sell spirits to non-licensees shall not sell spirits to
13 non-licensees from more than 3 total distillery or commonly
14 owned distilling pub licensed locations in this State. The
15 class 1 craft distiller or class 2 craft distiller shall
16 designate to the State Commission the distillery or distilling
17 pub locations from which it will sell spirits to
18 non-licensees.

19 A class 3 craft distiller license shall allow the licensee
20 to only (i) manufacture up to 100,000 gallons of spirits per
21 year, (ii) make sales of the spirits manufactured on the
22 premises or, with the approval of the State Commission,
23 spirits manufactured on another class 3 craft distiller's
24 licensed premises that are wholly owned and operated by the
25 same licensee to importing distributors and distributors, to
26 retail licensees in accordance with the conditions set forth

1 in paragraph (21) of subsection (a) of Section 3-12 of this
2 Act, and to non-licensees for use and consumption, (iii) store
3 the spirits upon the premises, (iv) sell and offer for sale at
4 retail from the licensed premises for off-premises consumption
5 no more than 5,000 gallons per year so long as such sales are
6 only made in-person, (v) sell and offer for sale at retail for
7 use and consumption on the premises specified in the license
8 any form of alcoholic liquor purchased from a licensed
9 distributor or importing distributor, and (vi) with the prior
10 approval of the State Commission, annually transfer no more
11 than 2,500 gallons of spirits manufactured on the premises to
12 a second and separate location licensed as a class 3 craft
13 distiller if the second location is wholly owned and operated
14 by the same licensee. The second location may operate with the
15 same retail privileges as the original licensed premises.

16 (f) (Blank).

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

24 (h) The changes made to this Section by Public Act 99-47
25 shall not diminish or impair the rights of any person, whether
26 a distiller, wine manufacturer, agent, or affiliate thereof,

1 who requested in writing and submitted documentation to the
2 State Commission on or before February 18, 2015 to be approved
3 for a retail license pursuant to what has heretofore been
4 subsection (f); provided that, on or before that date, the
5 State Commission considered the intent of that person to apply
6 for the retail license under that subsection and, by recorded
7 vote, the State Commission approved a resolution indicating
8 that such a license application could be lawfully approved
9 upon that person duly filing a formal application for a retail
10 license and if that person, within 90 days of the State
11 Commission appearance and recorded vote, first filed an
12 application with the appropriate local commission, which
13 application was subsequently approved by the appropriate local
14 commission prior to consideration by the State Commission of
15 that person's application for a retail license. It is further
16 provided that the State Commission may approve the person's
17 application for a retail license or renewals of such license
18 if such person continues to diligently adhere to all
19 representations made in writing to the State Commission on or
20 before February 18, 2015, or thereafter, or in the affidavit
21 filed by that person with the State Commission to support the
22 issuance of a retail license and to abide by all applicable
23 laws and duly adopted rules.

24 (i) Notwithstanding any other provision of this Act, the
25 common ownership of a brewery, winery, or a distillery shall
26 not authorize the grant of and aggregation of retail

1 privileges granted to any person or licensees in subsection
2 (e). Any person or licensee with common ownership in a
3 brewery, winery, or a distillery shall be limited to the
4 retail privileges granted to only one of the commonly owned
5 brewery, winery, or distillery. The State Commission is hereby
6 authorized to restrict the locations of any commonly owned
7 brewery, winery, or distillery to prevent the expansion of
8 retail privileges, including, without limitation, restricting
9 a commonly owned brewery, winery, or distillery from operating
10 in adjacent licensed premises or restricting self-distribution
11 privileges.

12 (Source: P.A. 101-81, eff. 7-12-19; 101-482, eff. 8-23-19;
13 101-615, eff. 12-20-19; 102-442, eff. 8-20-21.)

14 (235 ILCS 5/6-40 new)

15 Sec. 6-40. Consumer loyalty and reward programs.

16 (a) In this Section:

17 "Loyalty program" means a structured program used by a
18 brew pub licensee, class 1 brewer licensee, class 2 brewer
19 licensee, class 3 brewer licensee, or manufacturer licensee
20 with retail privileges licensed under this Act to encourage
21 participants to continue to shop at the brew pub licensee's,
22 class 1 brewer licensee's, class 2 brewer licensee's, class 3
23 brewer licensee's, or manufacturer licensee with retail
24 privileges' business by allowing participants access to
25 special pricing on products by virtue of being a member of a

1 bona fide loyalty program.

2 "Mug club" means a group that is organized by a brew pub
3 licensee, class 1 brewer licensee, class 2 brewer licensee,
4 class 3 brewer licensee, or manufacturer licensee with retail
5 privileges licensed under this Act whose members are entitled
6 to discounted malt, brewed, or distilled beverages and that is
7 designed to allow a consumer to access rewards for purchases
8 made on the brew pub licensee's, class 1 brewer licensee's,
9 class 2 brewer licensee's, class 3 brewer licensee's, or
10 manufacturer licensee with retail privileges' premises. "Mug
11 club" includes, but is not limited to, point accumulation
12 programs, the purchase and use of specialty glassware, and the
13 purchase and use of non-alcoholic beverage products.

14 "Rewards program" means a structured program used by a
15 brew pub licensee, class 1 brewer licensee, class 2 brewer
16 licensee, class 3 brewer licensee, or manufacturer licensee
17 with retail privileges licensed under this Act to encourage
18 participants to continue to shop at the brew pub licensee,
19 class 1 brewer licensee, class 2 brewer licensee, class 3
20 brewer licensee, or manufacturer licensee with retail
21 privileges licensed business by allowing participants to
22 accrue program benefits, in the form of points or other
23 accrual-based methods of reward, through the purchase of
24 products, to be redeemed in the form of a discount upon a
25 subsequent transaction on alcoholic or non-alcoholic products.

26 (b) A brew pub licensee, class 1 brewer licensee, class 2

1 brewer licensee, class 3 brewer licensee, or manufacturer
2 licensee with retail privileges may do any of the following:

3 (1) operate a loyalty program, reward program, or mug
4 club for alcoholic beverages that the brew pub licensee,
5 class 1 brewer licensee, class 2 brewer licensee, class 3
6 brewer licensee, or manufacturer licensee with retail
7 privileges is licensed to sell;

8 (2) offer incentives to consumers for participation in
9 a rewards program, loyalty program, or mug club;

10 (3) offer consumers discounts on its products as part
11 of a rewards program, loyalty program, or mug club;

12 (4) offer benefits to members or participants of a
13 rewards program, loyalty program, or mug club that are not
14 offered to other consumers;

15 (5) offer specialty glassware or other non-alcoholic
16 products for sale to members or participants in a rewards
17 program, loyalty program, or mug club and offer a price
18 discount to the owner of that glassware on additional
19 purchases using the glassware; or

20 (6) require members or participants in a rewards
21 program, loyalty program, or mug club to pay an annual fee
22 as well as a renewal fee to join or maintain membership or
23 continue participation in a rewards program, loyalty
24 program, or mug club.

25 (c) Membership in a mug club shall be by written
26 application, and the licensee that organized the mug club must

1 maintain a written list of active members as part of its
2 records.

3 (d) This Section applies only to a brew pub licensee,
4 class 1 brewer licensee, class 2 brewer licensee, class 3
5 brewer licensee, or manufacturer licensee with retail
6 privileges. Nothing in this Section applies to an off-premises
7 or on-premise retail licensee or be construed to regulate,
8 limit, or prohibit any discount program, rewards program,
9 loyalty program, mug club, or any other similar program,
10 however defined or structured, that is created, administered,
11 or offered by an off-premises or on-premises retail licensee.

12 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

13 Sec. 8-2. Payments; reports. It is the duty of each
14 manufacturer with respect to alcoholic liquor produced or
15 imported by such manufacturer, or purchased tax-free by such
16 manufacturer from another manufacturer or importing
17 distributor, and of each importing distributor as to alcoholic
18 liquor purchased by such importing distributor from foreign
19 importers or from anyone from any point in the United States
20 outside of this State or purchased tax-free from another
21 manufacturer or importing distributor, to pay the tax imposed
22 by Section 8-1 to the Department of Revenue on or before the
23 15th day of the calendar month following the calendar month in
24 which such alcoholic liquor is sold or used by such
25 manufacturer or by such importing distributor other than in an

1 authorized tax-free manner or to pay that tax electronically
2 as provided in this Section.

3 Each manufacturer and each importing distributor shall
4 make payment under one of the following methods: (1) on or
5 before the 15th day of each calendar month, file in person or
6 by United States first-class mail, postage pre-paid, with the
7 Department of Revenue, on forms prescribed and furnished by
8 the Department, a report in writing in such form as may be
9 required by the Department in order to compute, and assure the
10 accuracy of, the tax due on all taxable sales and uses of
11 alcoholic liquor occurring during the preceding month. Payment
12 of the tax in the amount disclosed by the report shall
13 accompany the report or, (2) on or before the 15th day of each
14 calendar month, electronically file with the Department of
15 Revenue, on forms prescribed and furnished by the Department,
16 an electronic report in such form as may be required by the
17 Department in order to compute, and assure the accuracy of,
18 the tax due on all taxable sales and uses of alcoholic liquor
19 occurring during the preceding month. An electronic payment of
20 the tax in the amount disclosed by the report shall accompany
21 the report. A manufacturer or distributor who files an
22 electronic report and electronically pays the tax imposed
23 pursuant to Section 8-1 to the Department of Revenue on or
24 before the 15th day of the calendar month following the
25 calendar month in which such alcoholic liquor is sold or used
26 by that manufacturer or importing distributor other than in an

1 authorized tax-free manner shall pay to the Department the
2 amount of the tax imposed pursuant to Section 8-1, less a
3 discount which is allowed to reimburse the manufacturer or
4 importing distributor for the expenses incurred in keeping and
5 maintaining records, preparing and filing the electronic
6 returns, remitting the tax, and supplying data to the
7 Department upon request.

8 The discount shall be in an amount as follows:

9 (1) For original returns due on or after January 1,
10 2003 through September 30, 2003, the discount shall be
11 1.75% or \$1,250 per return, whichever is less;

12 (2) For original returns due on or after October 1,
13 2003 through September 30, 2004, the discount shall be 2%
14 or \$3,000 per return, whichever is less; and

15 (3) For original returns due on or after October 1,
16 2004, the discount shall be 2% or \$2,000 per return,
17 whichever is less.

18 The Department may, if it deems it necessary in order to
19 insure the payment of the tax imposed by this Article, require
20 returns to be made more frequently than and covering periods
21 of less than a month. Such return shall contain such further
22 information as the Department may reasonably require.

23 It shall be presumed that all alcoholic liquors acquired
24 or made by any importing distributor or manufacturer have been
25 sold or used by him in this State and are the basis for the tax
26 imposed by this Article unless proven, to the satisfaction of

1 the Department, that such alcoholic liquors are (1) still in
2 the possession of such importing distributor or manufacturer,
3 or (2) prior to the termination of possession have been lost by
4 theft or through unintentional destruction, or (3) that such
5 alcoholic liquors are otherwise exempt from taxation under
6 this Act.

7 If any payment provided for in this Section exceeds the
8 manufacturer's or importing distributor's liabilities under
9 this Act, as shown on an original report, the manufacturer or
10 importing distributor may credit such excess payment against
11 liability subsequently to be remitted to the Department under
12 this Act, in accordance with reasonable rules adopted by the
13 Department. If the Department subsequently determines that all
14 or any part of the credit taken was not actually due to the
15 manufacturer or importing distributor, the manufacturer's or
16 importing distributor's discount shall be reduced by an amount
17 equal to the difference between the discount as applied to the
18 credit taken and that actually due, and the manufacturer or
19 importing distributor shall be liable for penalties and
20 interest on such difference.

21 The Department may require any foreign importer to file
22 monthly information returns, by the 15th day of the month
23 following the month which any such return covers, if the
24 Department determines this to be necessary to the proper
25 performance of the Department's functions and duties under
26 this Act. Such return shall contain such information as the

1 Department may reasonably require.

2 Every manufacturer and importing distributor, except for a
3 manufacturer or importing distributor who is applying for a
4 manufacturer's or importing distributor's license under this
5 Act for the first time or a manufacturer or importing
6 distributor who ~~that~~ in the preceding year had less than
7 \$50,000 of tax liability under this Article, shall also file,
8 with the Department, a bond in an amount not less than \$1,000
9 and not to exceed \$100,000 on a form to be approved by, and
10 with a surety or sureties satisfactory to, the Department.
11 Such bond may be required as a condition to renew a license for
12 subsequent annual license terms if a manufacturer or importing
13 distributor exceeds \$50,000 in tax liability. Such bond shall
14 be conditioned upon the manufacturer or importing distributor
15 paying to the Department all monies becoming due from such
16 manufacturer or importing distributor under this Article. The
17 Department shall fix the penalty of such bond in each case,
18 taking into consideration the amount of alcoholic liquor
19 expected to be sold and used by such manufacturer or importing
20 distributor, and the penalty fixed by the Department shall be
21 sufficient, in the Department's opinion, to protect the State
22 of Illinois against failure to pay any amount due under this
23 Article, but the amount of the penalty fixed by the Department
24 shall not exceed twice the amount of tax liability of a monthly
25 return, nor shall the amount of such penalty be less than
26 \$1,000. The Department shall notify the State Commission of

1 the Department's approval or disapproval of any such
2 manufacturer's or importing distributor's bond, or of the
3 termination or cancellation of any such bond, or of the
4 Department's direction to a manufacturer or importing
5 distributor that he must file additional bond in order to
6 comply with this Section. The State Commission shall not renew
7 ~~issue~~ a license for ~~to~~ any applicant for a manufacturer's or
8 importing distributor's license if ~~unless~~ the State Commission
9 has received a notification from the Department showing that
10 such applicant is required to file and has not filed a
11 satisfactory bond with the Department hereunder and that such
12 bond has not been approved by the Department. Failure by any
13 licensed manufacturer or importing distributor to keep a
14 satisfactory bond in effect with the Department or to furnish
15 additional bond to the Department, when required hereunder by
16 the Department to do so, shall be grounds for the revocation or
17 suspension of such manufacturer's or importing distributor's
18 license by the Commission. If a manufacturer or importing
19 distributor fails to pay any amount due under this Article,
20 his bond with the Department shall be deemed forfeited, and
21 the Department may institute a suit in its own name on such
22 bond.

23 After notice and opportunity for a hearing the State
24 Commission may revoke or suspend the license of any
25 manufacturer or importing distributor who fails to comply with
26 the provisions of this Section. Notice of such hearing and the

1 time and place thereof shall be in writing and shall contain a
2 statement of the charges against the licensee. Such notice may
3 be given by United States registered or certified mail with
4 return receipt requested, addressed to the person concerned at
5 his last known address and shall be given not less than 7 days
6 prior to the date fixed for the hearing. An order revoking or
7 suspending a license under the provisions of this Section may
8 be reviewed in the manner provided in Section 7-10 of this Act.
9 No new license shall be granted to a person whose license has
10 been revoked for a violation of this Section or, in case of
11 suspension, shall such suspension be terminated until he has
12 paid to the Department all taxes and penalties which he owes
13 the State under the provisions of this Act.

14 Every manufacturer or importing distributor who has, as
15 verified by the Department, continuously complied with the
16 conditions of the bond under this Act for a period of 2 years
17 shall be considered to be a prior continuous compliance
18 taxpayer. In determining the consecutive period of time for
19 qualification as a prior continuous compliance taxpayer, any
20 consecutive period of time of qualifying compliance
21 immediately prior to the effective date of this amendatory Act
22 of 1987 shall be credited to any manufacturer or importing
23 distributor.

24 A manufacturer or importing distributor that is a prior
25 continuous compliance taxpayer under this Section and becomes
26 a successor as the result of an acquisition, merger, or

1 consolidation of a manufacturer or importing distributor shall
2 be deemed to be a prior continuous compliance taxpayer with
3 respect to the acquired, merged, or consolidated entity.

4 Every prior continuous compliance taxpayer shall be exempt
5 from the bond requirements of this Act until the Department
6 has determined the taxpayer to be delinquent in the filing of
7 any return or deficient in the payment of any tax under this
8 Act. Any taxpayer who fails to pay an admitted or established
9 liability under this Act may also be required to post bond or
10 other acceptable security with the Department guaranteeing the
11 payment of such admitted or established liability.

12 The Department shall discharge any surety and shall
13 release and return any bond or security deposit assigned,
14 pledged or otherwise provided to it by a taxpayer under this
15 Section within 30 days after: (1) such taxpayer becomes a
16 prior continuous compliance taxpayer; or (2) such taxpayer has
17 ceased to collect receipts on which he is required to remit tax
18 to the Department, has filed a final tax return, and has paid
19 to the Department an amount sufficient to discharge his
20 remaining tax liability as determined by the Department under
21 this Act.

22 (Source: P.A. 100-1171, eff. 1-4-19; 101-37, eff. 7-3-19.)

23 Section 10. The Liquor Control Act of 1934 is amended by
24 changing Sections 5-1, 6-16, and 6-28.8 as follows:

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

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

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

(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

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

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,

(j) Airplane license,

(k) Foreign importer's license,

(l) Broker's license,

(m) Non-resident dealer's license,

(n) Brew Pub license,

(o) Auction liquor license,

(p) Caterer retailer license,

1 (q) Special use permit license,
2 (r) Winery shipper's license,
3 (s) Craft distiller tasting permit,
4 (t) Brewer warehouse permit,
5 (u) Distilling pub license,
6 (v) Craft distiller warehouse permit,
7 (w) Beer showcase permit.

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

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

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

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

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

1 including any alcoholic liquor that subsection (e) of Section
2 6-4 authorizes a brewer to sell in its original package only to
3 a non-licensee for pick-up by a non-licensee either within the
4 interior of the brewery premises or ~~at~~ outside of the brewery
5 premises at a curb-side or parking lot adjacent to the brewery
6 premises, subject to any local ordinance.

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

26 Class 5. A second class wine ~~Wine~~ manufacturer may make

1 sales and deliveries of more than 50,000 gallons of wine to
2 manufacturers, importing distributors and distributors and to
3 no other licensees.

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

1 class 1 craft distiller license shall not be eligible for a
2 wine-maker's premises license but shall be permitted to sell
3 wine manufactured at the first-class wine-maker premises to
4 non-licensees.

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

1 gallons of spirits per year.

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

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

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

1 shall not be a member of or affiliated with, directly or
2 indirectly, a manufacturer that produces more than 930,000
3 gallons of beer per year. If a class 1 craft distiller
4 manufactures wine, it shall also obtain and shall only be
5 eligible for, in addition to any current license, a
6 first-class wine-manufacturer license or a first-class
7 wine-maker's license, shall not manufacture more than 50,000
8 gallons of wine per year, and shall not be a member of or
9 affiliated with, directly or indirectly, a manufacturer that
10 produces more than 50,000 gallons of wine per year. A class 1
11 craft distiller licensee may make sales and deliveries to
12 importing distributors and distributors and to retail
13 licensees in accordance with the conditions set forth in
14 paragraph (19) of subsection (a) of Section 3-12 of this Act.
15 However, the aggregate amount of spirits sold to non-licensees
16 and sold or delivered to retail licensees may not exceed 5,000
17 gallons per year.

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

26 A class 1 craft distiller licensee may hold more than one

1 class 1 craft distiller's license. However, a class 1 craft
2 distiller that holds more than one class 1 craft distiller
3 license shall not manufacture, in the aggregate, more than
4 50,000 gallons of spirits by distillation per year and shall
5 not sell, in the aggregate, more than 5,000 gallons of such
6 spirits to non-licensees in accordance with an exemption
7 approved by the State Commission pursuant to Section 6-4 of
8 this Act.

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

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

24 A class 2 craft distiller shall, prior to transferring
25 spirits to a distilling pub wholly owned by the class 2 craft
26 distiller, furnish a written notice to the State Commission of

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

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

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

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

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

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

16 A class 2 brewer may transfer beer to a brew pub wholly
17 owned and operated by the class 2 brewer subject to the
18 following limitations and restrictions: (i) the transfer shall
19 not annually exceed more than 31,000 gallons; (ii) the annual
20 amount transferred shall reduce the brew pub's annual
21 permitted production limit; (iii) all beer transferred shall
22 be subject to Article VIII of this Act; (iv) a written record
23 shall be maintained by the brewer and brew pub specifying the
24 amount, date of delivery, and receipt of the product by the
25 brew pub; and (v) the brew pub shall be located no farther than
26 80 miles from the class 2 brewer's licensed location.

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

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

1 brewer wholly owned and operated by the same licensee. A class
2 3 brewer shall manufacture beer at the brewer's class 3
3 designated licensed premises, and may sell beer as otherwise
4 provided in this Act.

5 (a-1) A manufacturer that ~~which~~ is licensed in this State
6 to make sales or deliveries of alcoholic liquor to licensed
7 distributors or importing distributors and which enlists
8 agents, representatives, or individuals acting on its behalf
9 who contact licensed retailers on a regular and continual
10 basis in this State must register those agents,
11 representatives, or persons acting on its behalf with the
12 State Commission.

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

1 suspension or revocation of the registration. The State
2 Commission shall post a list of registered agents on the State
3 Commission's website.

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

19 (c) An importing distributor's license may be issued to
20 and held by those only who are duly licensed distributors,
21 upon the filing of an application by a duly licensed
22 distributor, with the State Commission and the State
23 Commission shall, without the payment of any fee, immediately
24 issue such importing distributor's license to the applicant,
25 which shall allow the importation of alcoholic liquor by the
26 licensee into this State from any point in the United States

1 outside this State, and the purchase of alcoholic liquor in
2 barrels, casks, or other bulk containers and the bottling of
3 such alcoholic liquors before resale thereof, but all bottles
4 or containers so filled shall be sealed, labeled, stamped, and
5 otherwise made to comply with all provisions, rules, and
6 regulations governing manufacturers in the preparation and
7 bottling of alcoholic liquors. The importing distributor's
8 license shall permit such licensee to purchase alcoholic
9 liquor from Illinois licensed non-resident dealers and foreign
10 importers only. No person licensed as an importing distributor
11 shall be granted a non-resident dealer's license.

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

1 or consumption. The delivery shall be made only within 12
2 hours from the time the alcoholic liquor leaves the licensed
3 premises of the retailer for delivery. For the purposes of
4 this Section, "delivery" means the movement of alcoholic
5 liquor purchased from a licensed retailer to a consumer
6 through the following methods:

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

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

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

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

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

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

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

21 Notwithstanding any other provision of this subsection
22 (d), a retail licensee may sell alcoholic liquors to a special
23 event retailer licensee for resale to the extent permitted
24 under subsection (e).

25 The requirements in subsection (b-5) of Section 6-29 apply
26 only to a winery shipper licensee that ships wine via common

1 carrier and do not apply to a winery shipper licensee or a
2 retail licensee that delivers, or causes to be delivered,
3 alcohol pursuant to the methods outlined in item (1), (2), or
4 (3) of this subsection.

5 Except as provided in this Section, for a manufacturer
6 with a retail license, nothing in this Section shall be
7 construed to prohibit an on-premises consumption retailer,
8 off-premises sale retailer, or combined on-premises
9 consumption and off-premises sale retailer from delivering
10 alcohol pursuant to this Section.

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

23 (e) A special event retailer's license (not-for-profit)
24 shall permit the licensee to purchase alcoholic liquors from
25 an Illinois licensed distributor (unless the licensee
26 purchases less than \$500 of alcoholic liquors for the special

1 event, in which case the licensee may purchase the alcoholic
2 liquors from a licensed retailer) and shall allow the licensee
3 to sell and offer for sale, at retail, alcoholic liquors for
4 use or consumption, but not for resale in any form and only at
5 the location and on the specific dates designated for the
6 special event in the license. An applicant for a special event
7 retailer license must (i) furnish with the application: (A) a
8 resale number issued under Section 2c of the Retailers'
9 Occupation Tax Act or evidence that the applicant is
10 registered under Section 2a of the Retailers' Occupation Tax
11 Act, (B) a current, valid exemption identification number
12 issued under Section 1g of the Retailers' Occupation Tax Act,
13 and a certification to the State Commission that the purchase
14 of alcoholic liquors will be a tax-exempt purchase, or (C) a
15 statement that the applicant is not registered under Section
16 2a of the Retailers' Occupation Tax Act, does not hold a resale
17 number under Section 2c of the Retailers' Occupation Tax Act,
18 and does not hold an exemption number under Section 1g of the
19 Retailers' Occupation Tax Act, in which event the State
20 Commission shall set forth on the special event retailer's
21 license a statement to that effect; (ii) submit with the
22 application proof satisfactory to the State Commission that
23 the applicant will provide dram shop liability insurance in
24 the maximum limits; and (iii) show proof satisfactory to the
25 State Commission that the applicant has obtained local
26 authority approval.

1 Nothing in this Act prohibits an Illinois licensed
2 distributor from offering credit or a refund for unused,
3 salable alcoholic liquors to a holder of a special event
4 retailer's license or the special event retailer's licensee
5 from accepting the credit or refund of alcoholic liquors at
6 the conclusion of the event specified in the license.

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

1 shall be obtained for each car in which such sales are made.

2 (g) A boat license shall allow the sale of alcoholic
3 liquor in individual drinks, on any passenger boat regularly
4 operated as a common carrier on navigable waters in this State
5 or on any riverboat operated under the Illinois Gambling Act,
6 which boat or riverboat maintains a public dining room or
7 restaurant thereon.

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

18	Class 1, not to exceed	.....	500 gallons
19	Class 2, not to exceed	.....	1,000 gallons
20	Class 3, not to exceed	.....	5,000 gallons
21	Class 4, not to exceed	.....	10,000 gallons
22	Class 5, not to exceed	.....	50,000 gallons

23 (i) A wine-maker's premises license shall allow a licensee
24 that concurrently holds a first-class wine-maker's license to
25 sell and offer for sale at retail in the premises specified in
26 such license not more than 50,000 gallons of the first-class

1 wine-maker's wine that is made at the first-class wine-maker's
2 licensed premises per year for use or consumption, but not for
3 resale in any form. A wine-maker's premises license shall
4 allow a licensee who concurrently holds a second-class
5 wine-maker's license to sell and offer for sale at retail in
6 the premises specified in such license up to 100,000 gallons
7 of the second-class wine-maker's wine that is made at the
8 second-class wine-maker's licensed premises per year for use
9 or consumption but not for resale in any form. A first-class
10 wine-maker that concurrently holds a class 1 brewer license or
11 a class 1 craft distiller license shall not be eligible to hold
12 a wine-maker's premises license. A wine-maker's premises
13 license shall allow a licensee that concurrently holds a
14 first-class wine-maker's license or a second-class
15 wine-maker's license to sell and offer for sale at retail at
16 the premises specified in the wine-maker's premises license,
17 for use or consumption but not for resale in any form, any
18 beer, wine, and spirits purchased from a licensed distributor.
19 Upon approval from the State Commission, a wine-maker's
20 premises license shall allow the licensee to sell and offer
21 for sale at (i) the wine-maker's licensed premises and (ii) ~~at~~
22 up to 2 additional locations for use and consumption and not
23 for resale. Each location shall require additional licensing
24 per location as specified in Section 5-3 of this Act. A
25 wine-maker's premises licensee shall secure liquor liability
26 insurance coverage in an amount at least equal to the maximum

1 liability amounts set forth in subsection (a) of Section 6-21
2 of this Act.

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

24 (k) A foreign importer's license shall permit such
25 licensee to purchase alcoholic liquor from Illinois licensed
26 non-resident dealers only, and to import alcoholic liquor

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

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

23 No holder of a retailer's license issued by the Illinois
24 Liquor Control Commission shall purchase or receive any
25 alcoholic liquor, the order for which was solicited or offered
26 for sale to such retailer by a broker unless the broker is the

1 holder of a valid broker's license.

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

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

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

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

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

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

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

1 State Commission, beer manufactured on another brew pub
2 licensed premises that is wholly owned and operated by the
3 same licensee to importing distributors, distributors, and ~~to~~
4 non-licensees for use and consumption, (iii) store the beer
5 upon the premises, (iv) sell and offer for sale at retail from
6 the licensed premises for off-premises consumption no more
7 than 155,000 gallons per year so long as such sales are only
8 made in-person, (v) sell and offer for sale at retail for use
9 and consumption on the premises specified in the license any
10 form of alcoholic liquor purchased from a licensed distributor
11 or importing distributor, (vi) with the prior approval of the
12 State Commission, annually transfer no more than 155,000
13 gallons of beer manufactured on the premises to a licensed
14 brew pub wholly owned and operated by the same licensee, and
15 (vii) notwithstanding item (i) of this subsection, brew pubs
16 wholly owned and operated by the same licensee may combine
17 each location's production limit of 155,000 gallons of beer
18 per year and allocate the aggregate total between the wholly
19 owned, operated, and licensed locations.

20 A brew pub licensee shall not under any circumstance sell
21 or offer for sale beer manufactured by the brew pub licensee to
22 retail licensees.

23 A person who holds a class 2 brewer license may
24 simultaneously hold a brew pub license if the class 2 brewer
25 (i) does not, under any circumstance, sell or offer for sale
26 beer manufactured by the class 2 brewer to retail licensees;

1 (ii) does not hold more than 3 brew pub licenses in this State;
2 (iii) does not manufacture more than a combined 3,720,000
3 gallons of beer per year, including the beer manufactured at
4 the brew pub; and (iv) is not a member of or affiliated with,
5 directly or indirectly, a manufacturer that produces more than
6 3,720,000 gallons of beer per year or any other alcoholic
7 liquor.

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

21 A brew pub licensee may apply for a class 3 brewer license
22 and, upon meeting all applicable qualifications of this Act
23 and relinquishing all commonly owned brew pub or retail
24 licenses, shall be issued a class 3 brewer license. Nothing in
25 this Act shall prohibit the issuance of a class 3 brewer
26 license if the applicant:

1 (1) has a valid retail license on or before May 1,
2 2021;

3 (2) has an ownership interest in at least 2 ~~two~~ brew
4 pubs licenses on or before May 1, 2021;

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

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

10 If a brew pub licensee is issued a class 3 brewer license,
11 the class 3 brewer license shall expire on the same date as the
12 existing brew pub license and the State Commission shall not
13 require a class 3 brewer licensee to obtain a brewer license~~7~~
14 or 1 in the alternative 1 to pay a fee for a brewer license,
15 until the date the brew pub license of the applicant would have
16 expired.

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

1 Nothing in this Act prohibits a distributor or importing
2 distributor from offering credit or a refund for unused,
3 salable beer to a holder of a caterer retailer license or a
4 caterer retailer licensee from accepting a credit or refund
5 for unused, salable beer, in the event an act of God is the
6 sole reason an off-site event is canceled ~~cancelled~~ and if:
7 (i) the holder of a caterer retailer license has not
8 transferred alcoholic liquor from its caterer retailer
9 premises to an off-site location; (ii) the distributor or
10 importing distributor offers the credit or refund for the
11 unused, salable beer that it delivered to the off-site
12 premises and not for any unused, salable beer that the
13 distributor or importing distributor delivered to the caterer
14 retailer's premises; and (iii) the unused, salable beer would
15 likely spoil if transferred to the caterer retailer's
16 premises. A caterer retailer license shall allow the holder to
17 transfer any inventory from any off-site location to its
18 caterer retailer premises at the conclusion of an off-site
19 event or engage a distributor or importing distributor to
20 transfer any inventory from any off-site location to its
21 caterer retailer premises at the conclusion of an off-site
22 event, provided that the distributor or importing distributor
23 issues bona fide charges to the caterer retailer licensee for
24 fuel, labor, and delivery and the distributor or importing
25 distributor collects payment from the caterer retailer
26 licensee prior to the distributor or importing distributor

1 transferring inventory to the caterer retailer premises.

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

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

14 (q) A special use permit license shall allow an Illinois
15 licensed retailer to transfer a portion of its alcoholic
16 liquor inventory from its retail licensed premises to the
17 premises specified in the license hereby created; to purchase
18 alcoholic liquor from a distributor or importing distributor
19 to be delivered directly to the location specified in the
20 license hereby created; and to sell or offer for sale at
21 retail, only in the premises specified in the license hereby
22 created, the transferred or delivered alcoholic liquor for use
23 or consumption, but not for resale in any form. A special use
24 permit license may be granted for the following time periods:
25 one day or less; 2 or more days to a maximum of 15 days per
26 location in any 12-month period. An applicant for the special

1 use permit license must also submit with the application proof
2 satisfactory to the State Commission that the applicant will
3 provide dram shop liability insurance to the maximum limits
4 and have local authority approval.

5 A special use permit license shall allow the holder to
6 transfer any inventory from the holder's special use premises
7 to its retail premises at the conclusion of the special use
8 event or engage a distributor or importing distributor to
9 transfer any inventory from the holder's special use premises
10 to its retail premises at the conclusion of an off-site event,
11 provided that the distributor or importing distributor issues
12 bona fide charges to the special use permit licensee for fuel,
13 labor, and delivery and the distributor or importing
14 distributor collects payment from the retail licensee prior to
15 the distributor or importing distributor transferring
16 inventory to the retail premises.

17 Nothing in this Act prohibits a distributor or importing
18 distributor from offering credit or a refund for unused,
19 salable beer to a special use permit licensee or a special use
20 permit licensee from accepting a credit or refund for unused,
21 salable beer at the conclusion of the event specified in the
22 license if: (i) the holder of the special use permit license
23 has not transferred alcoholic liquor from its retail licensed
24 premises to the premises specified in the special use permit
25 license; (ii) the distributor or importing distributor offers
26 the credit or refund for the unused, salable beer that it

1 delivered to the premises specified in the special use permit
2 license and not for any unused, salable beer that the
3 distributor or importing distributor delivered to the
4 retailer's premises; and (iii) the unused, salable beer would
5 likely spoil if transferred to the retailer premises.

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

1 the enforcement of this Act and any related laws, rules, and
2 regulations, including authorizing the Department of Revenue
3 and the State Commission to conduct audits for the purpose of
4 ensuring compliance with Public Act 95-634, and an
5 acknowledgment ~~acknowledgement~~ that the wine manufacturer is
6 in compliance with Section 6-2 of this Act. Any third party,
7 except for a common carrier, authorized to ship wine on behalf
8 of a first-class or second-class wine manufacturer's licensee,
9 a first-class or second-class wine-maker's licensee, a limited
10 wine manufacturer's licensee, or a person who is licensed to
11 make wine under the laws of another state shall also be
12 disclosed by the winery shipper's licensee, and a copy of the
13 written appointment of the third-party wine provider, except
14 for a common carrier, to the wine manufacturer shall be filed
15 with the State Commission as a supplement to the winery
16 shipper's license application or any renewal thereof. The
17 winery shipper's license holder shall affirm under penalty of
18 perjury, as part of the winery shipper's license application
19 or renewal, that he or she only ships wine, either directly or
20 indirectly through a third-party provider, from the licensee's
21 own production.

22 Except for a common carrier, a third-party provider
23 shipping wine on behalf of a winery shipper's license holder
24 is the agent of the winery shipper's license holder and, as
25 such, a winery shipper's license holder is responsible for the
26 acts and omissions of the third-party provider acting on

1 behalf of the license holder. A third-party provider, except
2 for a common carrier, that engages in shipping wine into
3 Illinois on behalf of a winery shipper's license holder shall
4 consent to the jurisdiction of the State Commission and the
5 State. Any third-party, except for a common carrier, holding
6 such an appointment shall, by February 1 of each calendar year
7 and upon request by the State Commission or the Department of
8 Revenue, file with the State Commission a statement detailing
9 each shipment made to an Illinois resident. The statement
10 shall include the name and address of the third-party provider
11 filing the statement, the time period covered by the
12 statement, and the following information:

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

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

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

17 If the Department of Revenue or the State Commission requests
18 a statement under this paragraph, the third-party provider
19 must provide that statement no later than 30 days after the
20 request is made. Any books, records, supporting papers, and
21 documents containing information and data relating to a
22 statement under this paragraph shall be kept and preserved for
23 a period of 3 years, unless their destruction sooner is
24 authorized, in writing, by the Director of Revenue, and shall
25 be open and available to inspection by the Director of Revenue
26 or the State Commission or any duly authorized officer, agent,

1 or employee of the State Commission or the Department of
2 Revenue, at all times during business hours of the day. Any
3 person who violates any provision of this paragraph or any
4 rule of the State Commission for the administration and
5 enforcement of the provisions of this paragraph is guilty of a
6 Class C misdemeanor. In case of a continuing violation, each
7 day's continuance thereof shall be a separate and distinct
8 offense.

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

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

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

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

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

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

24 (s) A craft distiller tasting permit license shall allow
25 an Illinois licensed class 1 craft distiller or class 2 craft
26 distiller to transfer a portion of its alcoholic liquor

1 inventory from its class 1 craft distiller or class 2 craft
2 distiller licensed premises to the premises specified in the
3 license hereby created and to conduct a sampling, only in the
4 premises specified in the license hereby created, of the
5 transferred alcoholic liquor in accordance with subsection (c)
6 of Section 6-31 of this Act. The transferred alcoholic liquor
7 may not be sold or resold in any form. An applicant for the
8 craft distiller tasting permit license must also submit with
9 the application proof satisfactory to the State Commission
10 that the applicant will provide dram shop liability insurance
11 to the maximum limits and have local authority approval.

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

25 (u) A distilling pub license shall allow the licensee to
26 only (i) manufacture up to 5,000 gallons of spirits per year

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

18 A distilling pub licensee shall not under any circumstance
19 sell or offer for sale spirits manufactured by the distilling
20 pub licensee to retail licensees.

21 A person who holds a class 2 craft distiller license may
22 simultaneously hold a distilling pub license if the class 2
23 craft distiller (i) does not, under any circumstance, sell or
24 offer for sale spirits manufactured by the class 2 craft
25 distiller to retail licensees; (ii) does not hold more than 3
26 distilling pub licenses in this State; (iii) does not

1 manufacture more than a combined 100,000 gallons of spirits
2 per year, including the spirits manufactured at the distilling
3 pub; and (iv) is not a member of or affiliated with, directly
4 or indirectly, a manufacturer that produces more than 100,000
5 gallons of spirits per year or any other alcoholic liquor.

6 (v) A craft distiller warehouse permit may be issued to
7 the holder of a class 1 craft distiller or class 2 craft
8 distiller license. The craft distiller warehouse permit shall
9 allow the holder to store or warehouse up to 500,000 gallons of
10 spirits manufactured by the holder of the permit at the
11 premises specified on the permit. Sales to non-licensees are
12 prohibited at the premises specified in the craft distiller
13 warehouse permit.

14 (w) A beer showcase permit license shall allow an
15 Illinois-licensed distributor to transfer a portion of its
16 beer inventory from its licensed premises to the premises
17 specified in the beer showcase permit license, and, in the
18 case of a class 3 brewer, transfer only beer the class 3 brewer
19 manufactures from its licensed premises to the premises
20 specified in the beer showcase permit license; and to sell or
21 offer for sale at retail, only in the premises specified in the
22 beer showcase permit license, the transferred or delivered
23 beer for on or off premise consumption, but not for resale in
24 any form and to sell to non-licensees not more than 96 fluid
25 ounces of beer per person. A beer showcase permit license may
26 be granted for the following time periods: one day or less; or

1 2 or more days to a maximum of 15 days per location in any
2 12-month period. An applicant for a beer showcase permit
3 license must also submit with the application proof
4 satisfactory to the State Commission that the applicant will
5 provide dram shop liability insurance to the maximum limits
6 and have local authority approval. The State Commission shall
7 require the beer showcase applicant to comply with Section
8 6-27.1.

9 (Source: P.A. 101-16, eff. 6-14-19; 101-31, eff. 6-28-19;
10 101-81, eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff.
11 8-23-19; 101-615, eff. 12-20-19; 101-668, eff. 1-1-22;
12 102-442, eff. 8-20-21; 102-1142, eff. 2-17-23; revised
13 7-2-25.)

14 (235 ILCS 5/6-28.8)

15 (Section scheduled to be repealed on August 1, 2028)

16 Sec. 6-28.8. Delivery and carry out of mixed drinks
17 permitted.

18 (a) In this Section:

19 "Cocktail" or "mixed drink" means any beverage obtained by
20 combining ingredients alcoholic in nature, whether brewed,
21 fermented, or distilled, with ingredients non-alcoholic in
22 nature, such as fruit juice, lemonade, cream, or a carbonated
23 beverage. "Cocktail" or "mixed drink" does not include an
24 original or sealed container that is filled, sealed, or
25 labeled by the manufacturer.

1 "Original container" means, for the purposes of this
2 Section only, a container that is ~~(i)~~ filled, sealed, and
3 secured by a retail licensee's employee at the retail
4 licensee's location with a tamper-evident lid or cap ~~or (ii)~~
5 ~~filled and labeled by the manufacturer and secured by the~~
6 ~~manufacturer's original unbroken seal.~~

7 "Sealed container" means a rigid container that contains a
8 mixed drink or a single serving of wine, is new, has never been
9 used, has a secured lid or cap designed to prevent consumption
10 without removal of the lid or cap, and is tamper-evident.

11 ~~"Sealed container" includes a manufacturer's original~~
12 ~~container as defined in this subsection.~~ "Sealed container"
13 does not include a container with a lid with sipping holes or
14 openings for straws or a container made of plastic, paper, or
15 polystyrene foam.

16 "Tamper-evident" means a lid or cap that has been sealed
17 with tamper-evident covers, including, but not limited to, wax
18 dip or heat shrink wrap.

19 (b) A cocktail, mixed drink, or single serving of wine
20 placed in a sealed container by a retail licensee at the retail
21 licensee's location ~~or a manufacturer's original container~~ may
22 be transferred and sold for off-premises consumption if the
23 following requirements are met:

24 (1) the cocktail, mixed drink, or single serving of
25 wine is transferred within the licensed premises, by a
26 curbside pickup, or by delivery by an employee of the

1 retail licensee who:

2 (A) has been trained in accordance with Section
3 6-27.1 at the time of the sale;

4 (B) is at least 21 years of age; and

5 (C) upon delivery, verifies the age of the person
6 to whom the cocktail, mixed drink, or single serving
7 of wine is being delivered by obtaining a signature
8 from a recipient aged 21 or over;

9 (2) if the employee delivering the cocktail, mixed
10 drink, or single serving of wine is not able to safely
11 verify a person's age or level of intoxication upon
12 delivery or is otherwise not able to complete the
13 delivery, the employee shall cancel the sale of alcohol
14 and return the product to the retail license holder;

15 (3) the sealed container is placed in the trunk of the
16 vehicle or if there is no trunk, in the vehicle's rear
17 compartment that is not readily accessible to the
18 passenger area;

19 (4) ~~except for a manufacturer's original container,~~ a
20 container filled and sealed at a retail licensee's
21 location shall be affixed with a label or tag that
22 contains the following information:

23 (A) the cocktail or mixed drink ingredients, type,
24 and name of the alcohol;

25 (B) the name, license number, and address of the
26 retail licensee that filled the original container and

1 sold the product;

2 (C) the volume of the cocktail, mixed drink, or
3 single serving of wine in the sealed container; and

4 (D) the sealed container was filled less than 7
5 days before the date of sale. ~~and~~

6 ~~(5) a manufacturer's original container shall be~~
7 ~~affixed with a label or tag that contains the name,~~
8 ~~license number, and address of the retail licensee that~~
9 ~~sold the product.~~

10 (c) Third-party delivery services are not permitted to
11 deliver cocktails and mixed drinks under this Section.

12 (d) If there is an executive order of the Governor in
13 effect during a disaster, the employee delivering the mixed
14 drink, cocktail, or single serving of wine must comply with
15 any requirements of that executive order, including, but not
16 limited to, wearing gloves and a mask and maintaining
17 distancing requirements when interacting with the public.

18 (e) Delivery or carry out of a cocktail, mixed drink, or
19 single serving of wine is prohibited if:

20 (1) a third party delivers the cocktail or mixed
21 drink;

22 (2) a container of a mixed drink, cocktail, or single
23 serving of wine is not tamper-evident and sealed;

24 (3) a container of a mixed drink, cocktail, or single
25 serving of wine is transported in the passenger area of a
26 vehicle;

1 (4) a mixed drink, cocktail, or single serving of wine
2 is delivered by a person or to a person who is under the
3 age of 21; or

4 (5) the person delivering a mixed drink, cocktail, or
5 single serving of wine fails to verify the age of the
6 person to whom the mixed drink or cocktail is being
7 delivered.

8 (f) Violations of this Section shall be subject to any
9 applicable penalties, including, but not limited to, the
10 penalties specified under Section 11-502 of the Illinois
11 Vehicle Code.

12 ~~(f-5) This Section is not intended to prohibit or preempt~~
13 ~~the ability of a brew pub, tap room, or distilling pub to~~
14 ~~continue to temporarily deliver alcoholic liquor pursuant to~~
15 ~~guidance issued by the State Commission on March 19, 2020~~
16 ~~entitled "Illinois Liquor Control Commission, COVID-19 Related~~
17 ~~Actions, Guidance on Temporary Delivery of Alcoholic Liquor".~~

18 This Section shall only grant authorization to holders of
19 State of Illinois retail liquor licenses but not to licensees
20 that simultaneously hold any licensure or privilege to
21 manufacture alcoholic liquors within or outside of the State
22 of Illinois.

23 (g) This Section is not a denial or limitation of home rule
24 powers and functions under Section 6 of Article VII of the
25 Illinois Constitution.

26 ~~(h) This Section is repealed on August 1, 2028.~~

1 (h) Except as provided in subsection (f-5), nothing in
2 this Section shall be construed to prohibit an on-premises
3 consumption retailer or a combined on-premises consumption
4 retailer and off-premises sale retailer from delivering mixed
5 drinks, cocktails, or single servings of wine pursuant to this
6 Section.

7 (Source: P.A. 102-8, eff. 6-2-21; 103-4, eff. 5-31-23.)

8 Section 90. Applicability. This Act applies to pending
9 actions as well as actions commenced on or after the effective
10 date of this Act.

11 Section 99. Effective date. This Act takes effect July 1,
12 2026, except that this Section and Section 10 take effect upon
13 becoming law.