



Sen. Cristina Castro

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LRB104 06890 RPS 28967 a

1 AMENDMENT TO SENATE BILL 618

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 618 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 1-3.17.1, 3-12, 5-1, 5-2, 5-3, 6-4, 6-16,  
6 6-28.8, and 8-2 and by adding Sections 1-3.47, 1-3.48, and  
7 6-40 as follows:

8 (235 ILCS 5/1-3.17.1) (from Ch. 43, par. 95.17.1)

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

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

1 (235 ILCS 5/1-3.47 new)

2 Sec. 1-3.47. Class 3 craft distiller. "Class 3 craft  
3 distiller" means a person who is a holder of a distiller  
4 license or a non-resident dealer license who manufactures no  
5 more than 100,000 gallons of spirits per year in the aggregate  
6 and who may make sales to importing distributors,  
7 distributors, and retail licensees in accordance with the  
8 conditions set forth in paragraph (21) of subsection (a) of  
9 Section 3-12.

10 (235 ILCS 5/1-3.48 new)

11 Sec. 1-3.48. Spirits showcase permit. "Spirits showcase  
12 permit" means a license for use by a class 1 craft distiller,  
13 class 2 craft distiller, class 3 craft distiller, or  
14 distributor to allow for the transfer of spirits only from an  
15 existing licensed premises of a class 1 craft distiller, class  
16 2 craft distiller, class 3 craft distiller, or distributor to  
17 a designated site for a specific event.

18 (235 ILCS 5/3-12)

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

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

22 (1) To receive applications and to issue licenses to  
23 manufacturers, foreign importers, importing distributors,

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

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

1           For the purpose of this paragraph (1), when  
2           determining multiple violations for the sale of alcohol to  
3           a person under the age of 21, a second or subsequent  
4           violation for the sale of alcohol to a person under the age  
5           of 21 shall only be considered if it was committed within 5  
6           years after the date when a prior violation for the sale of  
7           alcohol to a person under the age of 21 was committed.

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

24          Any notice issued by the State Commission to a  
25          licensee for a violation of this Act or any notice with  
26          respect to settlement or offer in compromise shall include

1 the field report, photographs, and any other supporting  
2 documentation necessary to reasonably inform the licensee  
3 of the nature and extent of the violation or the conduct  
4 alleged to have occurred. The failure to include such  
5 required documentation shall result in the dismissal of  
6 the action.

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

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

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

24 (5) To inspect, or cause to be inspected, any premises  
25 in this State where alcoholic liquors are manufactured,  
26 distributed, warehoused, or sold. Nothing in this Act

1 authorizes an agent of the State Commission to inspect  
2 private areas within the premises without reasonable  
3 suspicion or a warrant during an inspection. "Private  
4 areas" includes ~~include~~, but is ~~are~~ not limited to, safes,  
5 personal property, and closed desks.

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

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

1 file a complaint with the State's Attorney's Office of the  
2 county where the incident occurred or the Attorney  
3 General.

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

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

22 (5.5) To investigate any and all unlicensed activity.

23 (5.6) To impose civil penalties or fines to any person  
24 who, without holding a valid license, engages in conduct  
25 that requires a license pursuant to this Act, in an amount  
26 not to exceed \$20,000 for each offense as determined by

1 the State Commission. A civil penalty shall be assessed by  
2 the State Commission after a hearing is held in accordance  
3 with the provisions set forth in this Act regarding the  
4 provision of a hearing for the revocation or suspension of  
5 a license.

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

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



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

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

1           Any circuit court may, by order duly entered, require  
2           the attendance of witnesses and the production of relevant  
3           books subpoenaed by the State Commission and the court may  
4           compel obedience to its order by proceedings for contempt.

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

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

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

21          (11.1) To license persons providing education and  
22          training to alcohol beverage sellers and servers for  
23          mandatory and non-mandatory training under the Beverage  
24          Alcohol Sellers and Servers Education and Training  
25          (BASSET) programs and to develop and administer a public  
26          awareness program in Illinois to reduce or eliminate the

1 illegal purchase and consumption of alcoholic beverage  
2 products by persons under the age of 21. Application for a  
3 license shall be made on forms provided by the State  
4 Commission.

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

7 (13) (Blank).

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

16 (A) The amount of State excise and sales tax  
17 revenues generated.

18 (B) The amount of licensing fees received.

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

22 (D) The number of alcohol compliance operations  
23 conducted.

24 (E) The number of winery shipper's licenses  
25 issued.

26 (F) The number of each of the following: reported

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

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

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

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

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

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

24 (C) The State Commission shall approve the application  
25 for a self-distribution exemption if such person: (1) is  
26 in compliance with State revenue and liquor laws; (2) is

1 not a member of any affiliated group that produces  
2 directly or indirectly more than 25,000 gallons of wine  
3 per annum, 930,000 gallons of beer per annum, or 50,000  
4 gallons of spirits per annum; (3) will not annually  
5 produce for sale more than 25,000 gallons of wine, 930,000  
6 gallons of beer, or 50,000 gallons of spirits; and (4)  
7 will not annually sell more than 5,000 gallons of its wine  
8 to retail licensees.

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

23 (E) Except in hearings for violations of this Act or  
24 Public Act 95-634 or a bona fide investigation by duly  
25 sworn law enforcement officials, the State Commission, or  
26 its agents, the State Commission shall maintain the

1 production and sales information of a self-distribution  
2 exemption holder as confidential and shall not release  
3 such information to any person.

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

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

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

23 (18)(A) A class 1 brewer licensee, who must also be  
24 either a licensed brewer or licensed non-resident dealer  
25 and annually manufacture less than 930,000 gallons of  
26 beer, may make application to the State Commission for a

1 self-distribution exemption to allow the sale of not more  
2 than 232,500 gallons per year of the exemption holder's  
3 beer to retail licensees and to brewers, class 1 brewers,  
4 and class 2 brewers that, pursuant to subsection (e) of  
5 Section 6-4 of this Act, sell beer, cider, mead, or any  
6 combination thereof to non-licensees at their breweries.

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

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



1 manufacture for sale more than 930,000 gallons of beer,  
2 25,000 gallons of wine, or 50,000 gallons of spirits; (4)  
3 shall not annually sell more than 232,500 gallons of its  
4 beer to retail licensees and class 3 brewers and to  
5 brewers, class 1 brewers, and class 2 brewers that,  
6 pursuant to subsection (e) of Section 6-4 of this Act,  
7 sell beer, cider, mead, or any combination thereof to  
8 non-licensees at their breweries; and (5) has relinquished  
9 any brew pub license held by the licensee, including any  
10 ownership interest it held in the licensed brew pub.

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

25 (E) The State Commission shall issue rules and  
26 regulations governing self-distribution exemptions

1 consistent with this Act.

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

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

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

26 (B) In the application, which shall be sworn under

1 penalty of perjury, the class 1 craft distiller licensee  
2 or non-resident dealer shall state (1) the date it was  
3 established; (2) its volume of spirits manufactured and  
4 sold for each year since its establishment; (3) its  
5 efforts to establish distributor relationships; (4) that a  
6 self-distribution exemption is necessary to facilitate the  
7 marketing of its spirits; and (5) that it will comply with  
8 the alcoholic beverage and revenue laws of the United  
9 States, this State, and any other state where it is  
10 licensed.

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

24 (D) A self-distribution exemption holder shall  
25 annually certify to the State Commission its manufacture  
26 of spirits during the previous 12 months and its

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

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

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

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

26 (20) (A) A class 3 brewer licensee who must manufacture

1 less than 465,000 gallons of beer in the aggregate and not  
2 more than 155,000 gallons at any single brewery premises  
3 may make application to the State Commission for a  
4 self-distribution exemption to allow the sale of not more  
5 than 6,200 gallons of beer from each in-state or  
6 out-of-state class 3 brewery premises, which shall not  
7 exceed 18,600 gallons annually in the aggregate, that is  
8 manufactured at a wholly owned class 3 brewer's in-state  
9 or out-of-state licensed premises to retail licensees and  
10 class 3 brewers and to brewers, class 1 brewers, class 2  
11 brewers that, pursuant to subsection (e) of Section 6-4,  
12 sell beer, cider, or both beer and cider to non-licensees  
13 at their licensed breweries.

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

17 (1) the date it was established;

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

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

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

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

1 (C) Any application submitted shall be posted on the  
2 State Commission's website at least 45 days before action  
3 by the State Commission. The State Commission shall  
4 approve the application for a self-distribution exemption  
5 if the class 3 brewer licensee: (1) is in compliance with  
6 the State, revenue, and alcoholic beverage laws; (2) is  
7 not a member of any affiliated group that manufacturers,  
8 directly or indirectly, more than 465,000 gallons of beer  
9 per annum; (3) shall not annually manufacture for sale  
10 more than 465,000 gallons of beer or more than 155,000  
11 gallons at any single brewery premises; and (4) shall not  
12 annually sell more than 6,200 gallons of beer from each  
13 in-state or out-of-state class 3 brewery premises, and  
14 shall not exceed 18,600 gallons annually in the aggregate,  
15 to retail licensees and class 3 brewers and to brewers,  
16 class 1 brewers, and class 2 brewers that, pursuant to  
17 subsection (e) of Section 6-4 of this Act, sell beer,  
18 cider, or both beer and cider to non-licensees at their  
19 breweries.

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

1 misrepresentation in its application, violated a revenue  
2 or alcoholic beverage law of Illinois, exceeded the  
3 manufacture of 465,000 gallons of beer in any calendar  
4 year or became part of an affiliated group manufacturing  
5 more than 465,000 gallons of beer, or exceeded the sale to  
6 retail licensees, brewers, class 1 brewers, class 2  
7 brewers, and class 3 brewers of 6,200 gallons per brewery  
8 location or 18,600 gallons in the aggregate.

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

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

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

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

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

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

18 (1) the date it was established;

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

21 (3) its efforts to establish distributor  
22 relationships;

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

26 (5) that it will comply with the alcoholic



1 beverage and revenue laws of the United States, this  
2 State, and any other state where it is licensed.

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

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

10 (2) is not a member of any affiliated group that  
11 manufacturers, directly or indirectly, more than  
12 100,000 gallons of spirits per annum;

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

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

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

1       finds that the exemption holder has made a material  
2       misrepresentation in its application, violated a revenue  
3       or alcoholic beverage law of Illinois, exceeded the  
4       manufacture of 100,000 gallons of spirits in any calendar  
5       year, or became part of an affiliated group manufacturing  
6       more than 100,000 gallons of spirits.

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

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

13      (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 spirits access to the marketplace in  
19      order to develop a customer base without impairing the  
20      integrity of the 3-tier system.

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

1 As part of its report, the Commission shall provide the  
2 following information:

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

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

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

12 (Source: P.A. 101-37, eff. 7-3-19; 101-81, eff. 7-12-19;  
13 101-482, eff. 8-23-19; 102-442, eff. 8-20-21; 102-558, eff.  
14 8-20-21; 102-813, eff. 5-13-22; revised 7-17-25.)

15 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

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

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

1 wine manufacturer's license.

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

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

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

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

23 Class 4. A first class wine-manufacturer may make sales  
24 and deliveries of up to 50,000 gallons of wine to  
25 manufacturers, importing distributors and distributors, and to  
26 no other licensees. If a first-class wine-manufacturer

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

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

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

1 and who distributes its wine to licensed retailers shall cease  
2 this practice on or before July 1, 2008 in compliance with  
3 Public Act 95-634. If a first-class wine-maker manufactures  
4 beer, it shall also obtain and shall only be eligible for, in  
5 addition to any current license, a class 1 brewer license,  
6 shall not manufacture more than 930,000 gallons of beer per  
7 year, and shall not be a member of or affiliated with, directly  
8 or indirectly, a manufacturer that produces more than 930,000  
9 gallons of beer per year. If the first-class wine-maker  
10 manufactures spirits, it shall also obtain and shall only be  
11 eligible for, in addition to any current license, a class 1  
12 craft distiller license, shall not manufacture more than  
13 50,000 gallons of spirits per year, and shall not be a member  
14 of or affiliated with, directly or indirectly, a manufacturer  
15 that produces more than 50,000 gallons of spirits per year. A  
16 first-class wine-maker holding a class 1 brewer license or a  
17 class 1 craft distiller license shall not be eligible for a  
18 wine-maker's premises license but shall be permitted to sell  
19 wine manufactured at the first-class wine-maker premises to  
20 non-licensees.

21 Class 7. A second-class wine-maker's license shall allow  
22 the manufacture of up to 150,000 gallons of wine per year, and  
23 the storage and sale of such wine to distributors in this State  
24 and to persons without the State, as may be permitted by law. A  
25 person who, prior to June 1, 2008 (the effective date of Public  
26 Act 95-634), is a holder of a second-class wine-maker's

1 license and annually produces more than 25,000 gallons of its  
2 own wine and who distributes its wine to licensed retailers  
3 shall cease this practice on or before July 1, 2008 in  
4 compliance with Public Act 95-634. If a second-class  
5 wine-maker manufactures beer, it shall also obtain and shall  
6 only be eligible for, in addition to any current license, a  
7 class 2 brewer license, shall not manufacture more than  
8 3,720,000 gallons of beer per year, and shall not be a member  
9 of or affiliated with, directly or indirectly, a manufacturer  
10 that produces more than 3,720,000 gallons of beer per year. If  
11 a second-class wine-maker manufactures spirits, it shall also  
12 obtain and shall only be eligible for, in addition to any  
13 current license, a class 2 craft distiller license, shall not  
14 manufacture more than 100,000 gallons of spirits per year, and  
15 shall not be a member of or affiliated with, directly or  
16 indirectly, a manufacturer that produces more than 100,000  
17 gallons of spirits per year.

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

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



1 distiller license if the craft distiller holds a class 1 craft  
2 distiller license; or (ii) a class 2 craft distiller licensee  
3 if the craft distiller holds a class 2 craft distiller  
4 license.

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

1 craft distiller licensee may make sales and deliveries to  
2 importing distributors and distributors and to retail  
3 licensees in accordance with the conditions set forth in  
4 paragraph (19) of subsection (a) of Section 3-12 of this Act.  
5 However, the aggregate amount of spirits sold to non-licensees  
6 and sold or delivered to retail licensees may not exceed 5,000  
7 gallons per year.

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

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

25 Class 11. A class 2 craft distiller license, which may  
26 only be issued to a licensed craft distiller or licensed

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

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

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

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

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

1 annually transfer up to 930,000 gallons of beer manufactured  
2 by that class 1 brewer to the premises of a licensed class 1  
3 brewer wholly owned and operated by the same licensee.

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

1 other licensee. If the State Commission provides prior  
2 approval, a class 2 brewer licensee may annually transfer up  
3 to 3,720,000 gallons of beer manufactured by that class 2  
4 brewer licensee to the premises of a licensed class 2 brewer  
5 wholly owned and operated by the same licensee.

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

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

24 Class 14. A class 3 brewer license, which may be issued to  
25 a brewer or a non-resident dealer, shall allow the manufacture  
26 of no more than 465,000 gallons of beer per year and no more

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

21 Class 15. A class 3 craft distiller license, which may be  
22 issued to a distiller or a non-resident dealer, shall allow  
23 the manufacture of no more than 100,000 gallons of spirits per  
24 year and shall allow the sale of spirits from the class 3 craft  
25 distiller's in-state or out-of-state class 3 craft distillery  
26 premises to retail licensees, class 3 brewers, and class 3



1 craft distillers as long as the class 3 craft distiller  
2 licensee does not manufacture more than a combined 100,000  
3 gallons of spirits per year and is not a member of or  
4 affiliated with, directly or indirectly, a manufacturer that  
5 produces more than 100,000 gallons of spirits per year and to  
6 make sales to importing distributors, distributors, retail  
7 licensees, class 3 brewers, and class 3 craft distillers in  
8 accordance with the conditions set forth in paragraph (21) of  
9 subsection (a) of Section 3-12. If the State Commission  
10 provides prior approval, a class 3 craft distiller may  
11 annually transfer up to 2,500 gallons of spirits manufactured  
12 by that class 3 craft distiller to the premises of a licensed  
13 class 3 craft distiller wholly owned and operated by the same  
14 licensee. A class 3 craft distiller shall manufacture spirits  
15 at the distiller's class 3 designated licensed premises and  
16 may sell spirits as otherwise provided in this Act.

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

25 Registration of agents, representatives, or persons acting  
26 on behalf of a manufacturer is fulfilled by submitting a form

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

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

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

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

24 (d) A retailer's license shall allow the licensee to sell  
25 and offer for sale at retail, only in the premises specified in  
26 the license, alcoholic liquor for use or consumption, but not

1 for resale in any form. Except as provided in Section 6-16,  
2 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
3 remove, or restrict the ability of a holder of a retailer's  
4 license to transfer or ship alcoholic liquor to the purchaser  
5 for use or consumption subject to any applicable local law or  
6 ordinance. For the purposes of this Section, "shipping" means  
7 the movement of alcoholic liquor from a licensed retailer to a  
8 consumer via a common carrier. Except as provided in Section  
9 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
10 remove, or restrict the ability of a holder of a retailer's  
11 license to deliver alcoholic liquor to the purchaser for use  
12 or consumption. The delivery shall be made only within 12  
13 hours from the time the alcoholic liquor leaves the licensed  
14 premises of the retailer for delivery. For the purposes of  
15 this Section, "delivery" means the movement of alcoholic  
16 liquor purchased from a licensed retailer to a consumer  
17 through the following methods:

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

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

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

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

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 inconsistent with this  
12 subsection. This paragraph is a limitation under subsection  
13 (i) of Section 6 of Article VII of the Illinois Constitution on  
14 the concurrent exercise by home rule units of powers and  
15 functions exercised by the State. A non-home rule municipality  
16 may not regulate the delivery of alcoholic liquor inconsistent  
17 with this subsection.

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

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

1 liquors from a licensed retailer) and shall allow the licensee  
2 to sell and offer for sale, at retail, alcoholic liquors for  
3 consumption on or off the premises specified in the license  
4 ~~for use or consumption~~, but not for resale in any form and only  
5 at 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,  
14          or    in the alternative    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 retail  
21 for consumption on or off the premises specified in the  
22 license, only in the premises specified in the license hereby  
23 created, the transferred or delivered alcoholic liquor for use  
24 or consumption, but not for resale in any form. A special use  
25 permit license may be granted for the following time periods:  
26 one day or less; 2 or more days to a maximum of 15 days per

1 location in any 12-month period. An applicant for the special  
2 use permit license must also submit with the application proof  
3 satisfactory to the State Commission that the applicant will  
4 provide dram shop liability insurance to the maximum limits  
5 and have local authority approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (s) A craft distiller tasting permit license shall allow  
26 an Illinois licensed class 1 craft distiller or class 2 craft



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

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

26 (u) A distilling pub license shall allow the licensee to

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

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

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

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

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

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

1 be granted for the following time periods: one day or less; or  
2 2 or more days to a maximum of 15 days per location in any  
3 12-month period. An applicant for a beer showcase permit  
4 license must also submit with the application proof  
5 satisfactory to the State Commission that the applicant will  
6 provide dram shop liability insurance to the maximum limits  
7 and have local authority approval. The State Commission shall  
8 require the beer showcase applicant to comply with Section  
9 6-27.1.

10 (x) A spirits showcase permit shall allow an  
11 Illinois-licensed distributor to transfer a portion of its  
12 spirits inventory from its licensed premises to the premises  
13 specified in the spirits showcase permit; in the case of a  
14 class 3 craft distiller, to transfer only spirits the class 3  
15 craft distiller manufactures from its licensed premises to the  
16 premises specified in the spirits showcase permit; and to sell  
17 or offer for sale at retail, only in the premises specified in  
18 the spirits showcase permit, the transferred or delivered  
19 spirits for on-premises or off-premises consumption, but not  
20 for resale in any form, and to sell to non-licensees not more  
21 than 156 fluid ounces of spirits per person. A spirits  
22 showcase permit may be granted for the following time periods:  
23 one day or less; or 2 or more days up to a maximum of 15 days  
24 per location in any 12-month period. An applicant for a  
25 spirits showcase permit must also submit with the application  
26 proof satisfactory to the State Commission that the applicant

1 will provide dram shop liability insurance to the maximum  
 2 limits and have local authority approval. The State Commission  
 3 shall require the spirits showcase applicant to comply with  
 4 Section 6-27.1.

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

10 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

16 The fee for licenses issued by the State Commission shall  
 17 be as follows:

|         |            |
|---------|------------|
| Online  | Initial    |
| renewal | license    |
|         | or         |
|         | non-online |
|         | renewal    |

23 For a manufacturer's license:

|                             |         |         |
|-----------------------------|---------|---------|
| 24 Class 1. Distiller ..... | \$4,000 | \$5,000 |
| 25 Class 2. Rectifier ..... | 4,000   | 5,000   |

|    |   |            |            |
|----|---|------------|------------|
| 1  | Class 3. Brewer .....                       | 1,200      | 1,500      |
| 2  | Class 4. First-class Wine                   |            |            |
| 3  | Manufacturer .....                          | 750        | 900        |
| 4  | Class 5. Second-class                       |            |            |
| 5  | Wine Manufacturer.....                      | 1,500      | 1,750      |
| 6  | Class 6. First-class wine-maker....         | 750        | 900        |
| 7  | Class 7. Second-class wine-maker ..         | 1,500      | 1,750      |
| 8  | Class 8. Limited Wine                       |            |            |
| 9  | Manufacturer .....                          | 250        | 350        |
| 10 | Class 9. Craft Distiller .....              | 2,000      | 2,500      |
| 11 | Class 10. Class 1 Craft Distiller ..        | 50         | 75         |
| 12 | Class 11. Class 2 Craft Distiller ..        | 75         | 100        |
| 13 | Class 12. Class 1 Brewer .....              | 50         | 75         |
| 14 | Class 13. Class 2 Brewer .....              | 75         | 100        |
| 15 | Class 14. Class 3 Brewer .....              | 25         | 50         |
| 16 | <u>Class 15. Class 3 Craft Distiller ..</u> | <u>175</u> | <u>200</u> |
| 17 | For a Brew Pub License .....                | 1,200      | 1,500      |
| 18 | For a Distilling Pub License .....          | 1,200      | 1,500      |
| 19 | For a caterer retailer's license ..         | 350        | 500        |
| 20 | For a foreign importer's license ..         | 25         | 25         |
| 21 | For an importing distributor's              |            |            |
| 22 | license.....                                | 25         | 25         |
| 23 | For a distributor's license                 |            |            |
| 24 | (11,250,000 gallons                         |            |            |
| 25 | or over) .....                              | 1,450      | 2,200      |
| 26 | For a distributor's license                 |            |            |

|    |                                     |       |       |
|----|-------------------------------------|-------|-------|
| 1  | (over 4,500,000 gallons, but        |       |       |
| 2  | under 11,250,000 gallons) .....     | 950   | 1,450 |
| 3  | For a distributor's license         |       |       |
| 4  | (4,500,000 gallons or under) ..     | 300   | 450   |
| 5  | For a non-resident dealer's license |       |       |
| 6  | (500,000 gallons or over)           |       |       |
| 7  | or with self-distribution           |       |       |
| 8  | privileges .....                    | 1,200 | 1,500 |
| 9  | For a non-resident dealer's license |       |       |
| 10 | (under 500,000 gallons) .....       | 250   | 350   |
| 11 | For a wine-maker's premises         |       |       |
| 12 | license.....                        | 250   | 500   |
| 13 | For a winery shipper's license      |       |       |
| 14 | (under 250,000 gallons) .....       | 200   | 350   |
| 15 | For a winery shipper's license      |       |       |
| 16 | (250,000 or over, but               |       |       |
| 17 | under 500,000 gallons) .....        | 750   | 1,000 |
| 18 | For a winery shipper's license      |       |       |
| 19 | (500,000 gallons or over) .....     | 1,200 | 1,500 |
| 20 | For a wine-maker's premises         |       |       |
| 21 | license, second location .....      | 500   | 1,000 |
| 22 | For a wine-maker's premises         |       |       |
| 23 | license, third location.....        | 500   | 1,000 |
| 24 | For a retailer's license .....      | 600   | 750   |
| 25 | For a special event retailer's      |       |       |
| 26 | license, (not-for-profit).....      | 25    | 25    |

|    |                                       |            |            |
|----|---------------------------------------|------------|------------|
| 1  | For a beer showcase permit,           |            |            |
| 2  | one day only .....                    | 100        | 150        |
| 3  | 2 days or more .....                  | 150        | 250        |
| 4  | <u>For a spirits showcase permit,</u> |            |            |
| 5  | <u>one day only .....</u>             | <u>100</u> | <u>150</u> |
| 6  | <u>2 days or more .....</u>           | <u>150</u> | <u>250</u> |
| 7  | For a special use permit license,     |            |            |
| 8  | one day only .....                    | 100        | 150        |
| 9  | 2 days or more .....                  | 150        | 250        |
| 10 | For a railroad license .....          | 100        | 150        |
| 11 | For a boat license .....              | 500        | 1,000      |
| 12 | For an airplane license, times the    |            |            |
| 13 | licensee's maximum number of          |            |            |
| 14 | aircraft in flight, serving           |            |            |
| 15 | liquor over the State at any          |            |            |
| 16 | given time, which either              |            |            |
| 17 | originate, terminate, or make         |            |            |
| 18 | an intermediate stop in               |            |            |
| 19 | the State .....                       | 100        | 150        |
| 20 | For a non-beverage user's license:    |            |            |
| 21 | Class 1 .....                         | 24         | 24         |
| 22 | Class 2 .....                         | 60         | 60         |
| 23 | Class 3 .....                         | 120        | 120        |
| 24 | Class 4 .....                         | 240        | 240        |
| 25 | Class 5 .....                         | 600        | 600        |
| 26 | For a broker's license .....          | 750        | 1,000      |



|    |                                     |     |     |
|----|-------------------------------------|-----|-----|
| 1  | For an auction liquor license ..... | 100 | 150 |
| 2  | For a homebrewer special            |     |     |
| 3  | event permit .....                  | 25  | 25  |
| 4  | For a craft distiller               |     |     |
| 5  | tasting permit .....                | 25  | 25  |
| 6  | For a BASSET trainer license .....  | 300 | 350 |
| 7  | For a tasting representative        |     |     |
| 8  | license.....                        | 200 | 300 |
| 9  | For a brewer warehouse permit ..... | 25  | 25  |
| 10 | For a craft distiller               |     |     |
| 11 | warehouse permit .....              | 25  | 25  |

12 Fees collected under this Section shall be paid into the  
13 Dram Shop Fund. The State Commission shall waive license  
14 renewal fees for those retailers' licenses that are designated  
15 as "1A" by the State Commission and expire on or after July 1,  
16 2022, and on or before June 30, 2023. One-half of the funds  
17 received for a retailer's license shall be paid into the Dram  
18 Shop Fund and one-half of the funds received for a retailer's  
19 license shall be paid into the General Revenue Fund.

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

22 (a) Hospitals, sanitariums, or clinics when their use  
23 of alcoholic liquor is exclusively medicinal, mechanical,  
24 or scientific.

25 (b) Universities, colleges of learning, or schools  
26 when their use of alcoholic liquor is exclusively

1 medicinal, mechanical, or scientific.

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

4 (Source: P.A. 102-442, eff. 8-20-21; 102-558, eff. 8-20-21;  
5 102-699, eff. 4-19-22; 102-1142, eff. 2-17-23; 103-154, eff.  
6 6-30-23; 103-605, eff. 7-1-24.)

7 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

8 Sec. 6-4. Prohibited ownership interests; retail sales by  
9 certain manufacturers.

10 (a) No person licensed by any licensing authority as a  
11 distiller, or a wine manufacturer, or any subsidiary or  
12 affiliate thereof, or any officer, associate, member, partner,  
13 representative, employee, agent or shareholder owning more  
14 than 5% of the outstanding shares of such person shall be  
15 issued an importing distributor's or distributor's license,  
16 nor shall any person licensed by any licensing authority as an  
17 importing distributor, distributor or retailer, or any  
18 subsidiary or affiliate thereof, or any officer or associate,  
19 member, partner, representative, employee, agent or  
20 shareholder owning more than 5% of the outstanding shares of  
21 such person be issued a distiller's license, a craft  
22 distiller's license, or a wine manufacturer's license; and no  
23 person or persons licensed as a distiller, craft distiller,  
24 class 1 craft distiller, or class 2 craft distiller by any  
25 licensing authority shall have any interest, directly or

1 indirectly, with such distributor or importing distributor.

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

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

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

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

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

24 (e) Any person licensed as a brewer, class 1 brewer, or  
25 class 2 brewer shall be permitted to sell on the licensed  
26 premises to non-licensees for on or off-premises consumption

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

1 powers provided in paragraph (i) of Section 5-1 of this Act, or  
2 any subsidiary or affiliate thereof, or any officer,  
3 associate, member, partner, representative or agent, or  
4 shareholder be issued a manufacturer's license or importing  
5 distributor's license.

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

8 A person who holds a class 2 brewer license and is  
9 authorized by this Section to sell beer to non-licensees shall  
10 not sell beer to non-licensees from more than 3 total brewer or  
11 commonly owned brew pub licensed locations in this State. The  
12 class 2 brewer shall designate to the State Commission the  
13 brewer or brew pub locations from which it will sell beer to  
14 non-licensees.

15 A person licensed as a class 1 craft distiller or a class 2  
16 craft distiller, including a person who holds more than one  
17 class 1 craft distiller or class 2 craft distiller license,  
18 not affiliated with any other person manufacturing spirits may  
19 be authorized by the State Commission to sell (1) up to 5,000  
20 gallons of spirits produced by the person to non-licensees for  
21 on or off-premises consumption for the premises in which he or  
22 she actually conducts business permitting only the retail sale  
23 of spirits manufactured at such premises and (2) vermouth  
24 purchased through a licensed distributor for on-premises  
25 consumption. Such sales shall be limited to on-premises,  
26 in-person sales only, for lawful consumption on or off

1 premises, and such authorization shall be considered a  
2 privilege granted by the class 1 craft distiller or class 2  
3 craft distiller license. A class 1 craft distiller or class 2  
4 craft distiller licensed for retail sale shall secure liquor  
5 liability insurance coverage in an amount at least equal to  
6 the maximum liability amounts set forth in subsection (a) of  
7 Section 6-21 of this Act.

8 A class 1 craft distiller or class 2 craft distiller  
9 license holder shall not deliver any alcoholic liquor to any  
10 non-licensee off the licensed premises. A class 1 craft  
11 distiller or class 2 craft distiller shall affirm in its  
12 annual license application that it does not produce more than  
13 50,000 or 100,000 gallons of distilled spirits annually,  
14 whichever is applicable, and that the craft distiller does not  
15 sell more than 5,000 gallons of spirits to non-licensees for  
16 on or off-premises consumption. In the application, which  
17 shall be sworn under penalty of perjury, the class 1 craft  
18 distiller or class 2 craft distiller shall state the volume of  
19 production and sales for each year since the class 1 craft  
20 distiller's or class 2 craft distiller's establishment.

21 A person who holds a class 1 craft distiller or class 2  
22 craft distiller license and is authorized by this Section to  
23 sell spirits to non-licensees shall not sell spirits to  
24 non-licensees from more than 3 total distillery or commonly  
25 owned distilling pub licensed locations in this State. The  
26 class 1 craft distiller or class 2 craft distiller shall

1 designate to the State Commission the distillery or distilling  
2 pub locations from which it will sell spirits to  
3 non-licensees.

4 A class 3 craft distiller license shall allow the licensee  
5 to only (i) manufacture up to 100,000 gallons of spirits per  
6 year, (ii) make sales of the spirits manufactured on the  
7 premises or, with the approval of the State Commission,  
8 spirits manufactured on another class 3 craft distiller's  
9 licensed premises that are wholly owned and operated by the  
10 same licensee to importing distributors and distributors, to  
11 retail licensees in accordance with the conditions set forth  
12 in paragraph (21) of subsection (a) of Section 3-12 of this  
13 Act, and to non-licensees for use and consumption, (iii) store  
14 the spirits upon the premises, (iv) sell and offer for sale at  
15 retail from the licensed premises for off-premises consumption  
16 no more than 5,000 gallons per year so long as such sales are  
17 only made in-person, (v) sell and offer for sale at retail for  
18 use and consumption on the premises specified in the license  
19 any form of alcoholic liquor purchased from a licensed  
20 distributor or importing distributor, and (vi) with the prior  
21 approval of the State Commission, annually transfer no more  
22 than 2,500 gallons of spirits manufactured on the premises to  
23 a second and separate location licensed as a class 3 craft  
24 distiller if the second location is wholly owned and operated  
25 by the same licensee. The second location may operate with the  
26 same retail privileges as the original licensed premises.



1 (f) (Blank).

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

9 (h) The changes made to this Section by Public Act 99-47  
10 shall not diminish or impair the rights of any person, whether  
11 a distiller, wine manufacturer, agent, or affiliate thereof,  
12 who requested in writing and submitted documentation to the  
13 State Commission on or before February 18, 2015 to be approved  
14 for a retail license pursuant to what has heretofore been  
15 subsection (f); provided that, on or before that date, the  
16 State Commission considered the intent of that person to apply  
17 for the retail license under that subsection and, by recorded  
18 vote, the State Commission approved a resolution indicating  
19 that such a license application could be lawfully approved  
20 upon that person duly filing a formal application for a retail  
21 license and if that person, within 90 days of the State  
22 Commission appearance and recorded vote, first filed an  
23 application with the appropriate local commission, which  
24 application was subsequently approved by the appropriate local  
25 commission prior to consideration by the State Commission of  
26 that person's application for a retail license. It is further

1 provided that the State Commission may approve the person's  
2 application for a retail license or renewals of such license  
3 if such person continues to diligently adhere to all  
4 representations made in writing to the State Commission on or  
5 before February 18, 2015, or thereafter, or in the affidavit  
6 filed by that person with the State Commission to support the  
7 issuance of a retail license and to abide by all applicable  
8 laws and duly adopted rules.

9 (i) Notwithstanding any other provision of this Act, the  
10 common ownership of a brewery, winery, or a distillery shall  
11 not authorize the grant of and aggregation of retail  
12 privileges granted to any person or licensees in subsection  
13 (e). Any person or licensee with common ownership in a  
14 brewery, winery, or a distillery shall be limited to the  
15 retail privileges granted to only one of the commonly owned  
16 brewery, winery, or distillery. The State Commission is hereby  
17 authorized to restrict the locations of any commonly owned  
18 brewery, winery, or distillery to prevent the expansion of  
19 retail privileges, including, without limitation, restricting  
20 a commonly owned brewery, winery, or distillery from operating  
21 in adjacent licensed premises or restricting self-distribution  
22 privileges.

23 (Source: P.A. 101-81, eff. 7-12-19; 101-482, eff. 8-23-19;  
24 101-615, eff. 12-20-19; 102-442, eff. 8-20-21.)

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

2       (a) In this Section:

3       "Loyalty program" means a structured program used by a  
4 brew pub licensee, class 1 brewer licensee, class 2 brewer  
5 licensee, class 3 brewer licensee, or manufacturer licensee  
6 with retail privileges licensed under this Act to encourage  
7 participants to continue to shop at the brew pub licensee's,  
8 class 1 brewer licensee's, class 2 brewer licensee's, class 3  
9 brewer licensee's, or manufacturer licensee with retail  
10 privileges' business by allowing participants access to  
11 special pricing on products by virtue of being a member of a  
12 bona fide loyalty program.

13       "Mug club" means a group that is organized by a brew pub  
14 licensee, class 1 brewer licensee, class 2 brewer licensee,  
15 class 3 brewer licensee, or manufacturer licensee with retail  
16 privileges licensed under this Act whose members are entitled  
17 to discounted malt, brewed, or distilled beverages and that is  
18 designed to allow a consumer to access rewards for purchases  
19 made on the brew pub licensee's, class 1 brewer licensee's,  
20 class 2 brewer licensee's, class 3 brewer licensee's, or  
21 manufacturer licensee with retail privileges' premises. "Mug  
22 club" includes, but is not limited to, point accumulation  
23 programs, the purchase and use of specialty glassware, and the  
24 purchase and use of non-alcoholic beverage products.

25       "Rewards program" means a structured program used by a  
26 brew pub licensee, class 1 brewer licensee, class 2 brewer

1 licensee, class 3 brewer licensee, or manufacturer licensee  
2 with retail privileges licensed under this Act to encourage  
3 participants to continue to shop at the brew pub licensee,  
4 class 1 brewer licensee, class 2 brewer licensee, class 3  
5 brewer licensee, or manufacturer licensee with retail  
6 privileges licensed business by allowing participants to  
7 accrue program benefits, in the form of points or other  
8 accrual-based methods of reward, through the purchase of  
9 products, to be redeemed in the form of a discount upon a  
10 subsequent transaction on alcoholic or non-alcoholic products.

11 (b) A brew pub licensee, class 1 brewer licensee, class 2  
12 brewer licensee, class 3 brewer licensee, or manufacturer  
13 licensee with retail privileges may do any of the following:

14 (1) operate a loyalty program, reward program, or mug  
15 club for alcoholic beverages that the brew pub licensee,  
16 class 1 brewer licensee, class 2 brewer licensee, class 3  
17 brewer licensee, or manufacturer licensee with retail  
18 privileges is licensed to sell;

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

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

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

26 (5) offer specialty glassware or other non-alcoholic

1 products for sale to members or participants in a rewards  
2 program, loyalty program, or mug club and offer a price  
3 discount to the owner of that glassware on additional  
4 purchases using the glassware; or

5 (6) require members or participants in a rewards  
6 program, loyalty program, or mug club to pay an annual fee  
7 as well as a renewal fee to join or maintain membership or  
8 continue participation in a rewards program, loyalty  
9 program, or mug club.

10 (c) Membership in a mug club shall be by written  
11 application, and the licensee that organized the mug club must  
12 maintain a written list of active members as part of its  
13 records.

14 (d) This Section applies only to a brew pub licensee,  
15 class 1 brewer licensee, class 2 brewer licensee, class 3  
16 brewer licensee, or manufacturer licensee with retail  
17 privileges. Nothing in this Section applies to an off-premises  
18 or on-premise retail licensee or be construed to regulate,  
19 limit, or prohibit any discount program, rewards program,  
20 loyalty program, mug club, or any other similar program,  
21 however defined or structured, that is created, administered,  
22 or offered by an off-premises or on-premises retail licensee.

23 (235 ILCS 5/8-2) (from Ch. 43, par. 159)

24 Sec. 8-2. Payments; reports. It is the duty of each  
25 manufacturer with respect to alcoholic liquor produced or

1 imported by such manufacturer, or purchased tax-free by such  
2 manufacturer from another manufacturer or importing  
3 distributor, and of each importing distributor as to alcoholic  
4 liquor purchased by such importing distributor from foreign  
5 importers or from anyone from any point in the United States  
6 outside of this State or purchased tax-free from another  
7 manufacturer or importing distributor, to pay the tax imposed  
8 by Section 8-1 to the Department of Revenue on or before the  
9 15th day of the calendar month following the calendar month in  
10 which such alcoholic liquor is sold or used by such  
11 manufacturer or by such importing distributor other than in an  
12 authorized tax-free manner or to pay that tax electronically  
13 as provided in this Section.

14 Each manufacturer and each importing distributor shall  
15 make payment under one of the following methods: (1) on or  
16 before the 15th day of each calendar month, file in person or  
17 by United States first-class mail, postage pre-paid, with the  
18 Department of Revenue, on forms prescribed and furnished by  
19 the Department, a report in writing in such form as may be  
20 required by the Department in order to compute, and assure the  
21 accuracy of, the tax due on all taxable sales and uses of  
22 alcoholic liquor occurring during the preceding month. Payment  
23 of the tax in the amount disclosed by the report shall  
24 accompany the report or, (2) on or before the 15th day of each  
25 calendar month, electronically file with the Department of  
26 Revenue, on forms prescribed and furnished by the Department,

1 an electronic report in such form as may be required by the  
2 Department in order to compute, and assure the accuracy of,  
3 the tax due on all taxable sales and uses of alcoholic liquor  
4 occurring during the preceding month. An electronic payment of  
5 the tax in the amount disclosed by the report shall accompany  
6 the report. A manufacturer or distributor who files an  
7 electronic report and electronically pays the tax imposed  
8 pursuant to Section 8-1 to the Department of Revenue on or  
9 before the 15th day of the calendar month following the  
10 calendar month in which such alcoholic liquor is sold or used  
11 by that manufacturer or importing distributor other than in an  
12 authorized tax-free manner shall pay to the Department the  
13 amount of the tax imposed pursuant to Section 8-1, less a  
14 discount which is allowed to reimburse the manufacturer or  
15 importing distributor for the expenses incurred in keeping and  
16 maintaining records, preparing and filing the electronic  
17 returns, remitting the tax, and supplying data to the  
18 Department upon request.

19 The discount shall be in an amount as follows:

20 (1) For original returns due on or after January 1,  
21 2003 through September 30, 2003, the discount shall be  
22 1.75% or \$1,250 per return, whichever is less;

23 (2) For original returns due on or after October 1,  
24 2003 through September 30, 2004, the discount shall be 2%  
25 or \$3,000 per return, whichever is less; and

26 (3) For original returns due on or after October 1,

1       2004, the discount shall be 2% or \$2,000 per return,  
2       whichever is less.

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

8       It shall be presumed that all alcoholic liquors acquired  
9       or made by any importing distributor or manufacturer have been  
10      sold or used by him in this State and are the basis for the tax  
11      imposed by this Article unless proven, to the satisfaction of  
12      the Department, that such alcoholic liquors are (1) still in  
13      the possession of such importing distributor or manufacturer,  
14      or (2) prior to the termination of possession have been lost by  
15      theft or through unintentional destruction, or (3) that such  
16      alcoholic liquors are otherwise exempt from taxation under  
17      this Act.

18      If any payment provided for in this Section exceeds the  
19      manufacturer's or importing distributor's liabilities under  
20      this Act, as shown on an original report, the manufacturer or  
21      importing distributor may credit such excess payment against  
22      liability subsequently to be remitted to the Department under  
23      this Act, in accordance with reasonable rules adopted by the  
24      Department. If the Department subsequently determines that all  
25      or any part of the credit taken was not actually due to the  
26      manufacturer or importing distributor, the manufacturer's or



1 importing distributor's discount shall be reduced by an amount  
2 equal to the difference between the discount as applied to the  
3 credit taken and that actually due, and the manufacturer or  
4 importing distributor shall be liable for penalties and  
5 interest on such difference.

6 The Department may require any foreign importer to file  
7 monthly information returns, by the 15th day of the month  
8 following the month which any such return covers, if the  
9 Department determines this to be necessary to the proper  
10 performance of the Department's functions and duties under  
11 this Act. Such return shall contain such information as the  
12 Department may reasonably require.

13 Every manufacturer and importing distributor, except for a  
14 manufacturer or importing distributor who is applying for a  
15 manufacturer's or importing distributor's license under this  
16 Act for the first time or a manufacturer or importing  
17 distributor who ~~that~~ in the preceding year had less than  
18 \$50,000 of tax liability under this Article, shall also file,  
19 with the Department, a bond in an amount not less than \$1,000  
20 and not to exceed \$100,000 on a form to be approved by, and  
21 with a surety or sureties satisfactory to, the Department.  
22 Such bond may be required as a condition to renew a license for  
23 subsequent annual license terms if a manufacturer or importing  
24 distributor exceeds \$50,000 in tax liability. Such bond shall  
25 be conditioned upon the manufacturer or importing distributor  
26 paying to the Department all monies becoming due from such

1 manufacturer or importing distributor under this Article. The  
2 Department shall fix the penalty of such bond in each case,  
3 taking into consideration the amount of alcoholic liquor  
4 expected to be sold and used by such manufacturer or importing  
5 distributor, and the penalty fixed by the Department shall be  
6 sufficient, in the Department's opinion, to protect the State  
7 of Illinois against failure to pay any amount due under this  
8 Article, but the amount of the penalty fixed by the Department  
9 shall not exceed twice the amount of tax liability of a monthly  
10 return, nor shall the amount of such penalty be less than  
11 \$1,000. The Department shall notify the State Commission of  
12 the Department's approval or disapproval of any such  
13 manufacturer's or importing distributor's bond, or of the  
14 termination or cancellation of any such bond, or of the  
15 Department's direction to a manufacturer or importing  
16 distributor that he must file additional bond in order to  
17 comply with this Section. The State Commission shall not renew  
18 ~~issue~~ a license for ~~to~~ any applicant for a manufacturer's or  
19 importing distributor's license if ~~unless~~ the State Commission  
20 has received a notification from the Department showing that  
21 such applicant is required to file and has not filed a  
22 satisfactory bond with the Department hereunder and that such  
23 bond has not been approved by the Department. Failure by any  
24 licensed manufacturer or importing distributor to keep a  
25 satisfactory bond in effect with the Department or to furnish  
26 additional bond to the Department, when required hereunder by

1 the Department to do so, shall be grounds for the revocation or  
2 suspension of such manufacturer's or importing distributor's  
3 license by the Commission. If a manufacturer or importing  
4 distributor fails to pay any amount due under this Article,  
5 his bond with the Department shall be deemed forfeited, and  
6 the Department may institute a suit in its own name on such  
7 bond.

8 After notice and opportunity for a hearing the State  
9 Commission may revoke or suspend the license of any  
10 manufacturer or importing distributor who fails to comply with  
11 the provisions of this Section. Notice of such hearing and the  
12 time and place thereof shall be in writing and shall contain a  
13 statement of the charges against the licensee. Such notice may  
14 be given by United States registered or certified mail with  
15 return receipt requested, addressed to the person concerned at  
16 his last known address and shall be given not less than 7 days  
17 prior to the date fixed for the hearing. An order revoking or  
18 suspending a license under the provisions of this Section may  
19 be reviewed in the manner provided in Section 7-10 of this Act.  
20 No new license shall be granted to a person whose license has  
21 been revoked for a violation of this Section or, in case of  
22 suspension, shall such suspension be terminated until he has  
23 paid to the Department all taxes and penalties which he owes  
24 the State under the provisions of this Act.

25 Every manufacturer or importing distributor who has, as  
26 verified by the Department, continuously complied with the

1 conditions of the bond under this Act for a period of 2 years  
2 shall be considered to be a prior continuous compliance  
3 taxpayer. In determining the consecutive period of time for  
4 qualification as a prior continuous compliance taxpayer, any  
5 consecutive period of time of qualifying compliance  
6 immediately prior to the effective date of this amendatory Act  
7 of 1987 shall be credited to any manufacturer or importing  
8 distributor.

9 A manufacturer or importing distributor that is a prior  
10 continuous compliance taxpayer under this Section and becomes  
11 a successor as the result of an acquisition, merger, or  
12 consolidation of a manufacturer or importing distributor shall  
13 be deemed to be a prior continuous compliance taxpayer with  
14 respect to the acquired, merged, or consolidated entity.

15 Every prior continuous compliance taxpayer shall be exempt  
16 from the bond requirements of this Act until the Department  
17 has determined the taxpayer to be delinquent in the filing of  
18 any return or deficient in the payment of any tax under this  
19 Act. Any taxpayer who fails to pay an admitted or established  
20 liability under this Act may also be required to post bond or  
21 other acceptable security with the Department guaranteeing the  
22 payment of such admitted or established liability.

23 The Department shall discharge any surety and shall  
24 release and return any bond or security deposit assigned,  
25 pledged or otherwise provided to it by a taxpayer under this  
26 Section within 30 days after: (1) such taxpayer becomes a

1 prior continuous compliance taxpayer; or (2) such taxpayer has  
2 ceased to collect receipts on which he is required to remit tax  
3 to the Department, has filed a final tax return, and has paid  
4 to the Department an amount sufficient to discharge his  
5 remaining tax liability as determined by the Department under  
6 this Act.

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

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

10 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

21 (b) Distributor's license,

22 (c) Importing Distributor's license,

23 (d) Retailer's license,

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

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

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

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

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

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

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

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

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

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

15 Class 6. A first-class wine-maker's license shall allow  
16 the manufacture of up to 50,000 gallons of wine per year<sup>7</sup> and  
17 the storage and sale of such wine to distributors in the State  
18 and to persons without the State, as may be permitted by law. A  
19 person who, prior to June 1, 2008 (the effective date of Public  
20 Act 95-634), is a holder of a first-class wine-maker's license  
21 and annually produces more than 25,000 gallons of its own wine  
22 and who distributes its wine to licensed retailers shall cease  
23 this practice on or before July 1, 2008 in compliance with  
24 Public Act 95-634. If a first-class wine-maker manufactures  
25 beer, it shall also obtain and shall only be eligible for, in  
26 addition to any current license, a class 1 brewer license,



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

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

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

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

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

26 Class 10. A class 1 craft distiller license, which may

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

1 and sold or delivered to retail licensees may not exceed 5,000  
2 gallons per year.

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

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

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

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

1 annual amount transferred shall reduce the distilling pub's  
2 annual permitted production limit; (iii) all spirits  
3 transferred shall be subject to Article VIII of this Act; (iv)  
4 a written record shall be maintained by the distiller and  
5 distilling pub specifying the amount, date of delivery, and  
6 receipt of the product by the distilling pub; and (v) the  
7 distilling pub shall be located no farther than 80 miles from  
8 the class 2 craft distiller's licensed location.

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

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

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

25 Class 13. A class 2 brewer license, which may only be  
26 issued to a licensed brewer or licensed non-resident dealer,

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



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

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

19      Class 14. A class 3 brewer license, which may be issued to  
20      a brewer or a non-resident dealer, shall allow the manufacture  
21      of no more than 465,000 gallons of beer per year and no more  
22      than 155,000 gallons at a single brewery premises, and shall  
23      allow the sale of no more than 6,200 gallons of beer from each  
24      in-state or out-of-state class 3 brewery premises, or 18,600  
25      gallons in the aggregate, to retail licensees, class 1  
26      brewers, class 2 brewers, and class 3 brewers as long as the

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

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

24 Registration of agents, representatives, or persons acting  
25 on behalf of a manufacturer is fulfilled by submitting a form  
26 to the State Commission. The form shall be developed by the

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

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

1 their distilleries; or (iv) as otherwise provided in this Act.  
2 No person licensed as a distributor shall be granted a  
3 non-resident dealer's license.

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

23 (d) A retailer's license shall allow the licensee to sell  
24 and offer for sale at retail, ~~only~~ in or from the premises  
25 specified in the license, alcoholic liquor for use or  
26 consumption, but not for resale in any form except as

1 otherwise provided in this Act. Except as provided in Section  
2 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
3 remove, or restrict the ability of a holder of a retailer's  
4 license to transfer or ship alcoholic liquor to the purchaser  
5 for use or consumption subject to any applicable local law or  
6 ordinance. For the purposes of this Section, "shipping" means  
7 the movement of alcoholic liquor from a licensed retailer to a  
8 consumer via a common carrier. Except as provided in Section  
9 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
10 remove, or restrict the ability of a holder of a retailer's  
11 license to deliver alcoholic liquor to the purchaser for use  
12 or consumption. The delivery shall be made only within 12  
13 hours from the time the alcoholic liquor leaves the licensed  
14 premises of the retailer for delivery. For the purposes of  
15 this Section, "delivery" means the movement of alcoholic  
16 liquor purchased from a licensed retailer to a consumer  
17 through the following methods:

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

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

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

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

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

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

20       Except for a municipality with a population of more than  
21 1,000,000 inhabitants, a home rule unit may not regulate the  
22 delivery of alcoholic liquor or require a retail licensee to  
23 obtain a separate or additional license for the delivery  
24 alcoholic liquor ~~inconsistent with this subsection.~~ This  
25 paragraph is a limitation under subsection (i) of Section 6 of  
26 Article VII of the Illinois Constitution on the concurrent

1 exercise by home rule units of powers and functions exercised  
2 by the State. A non-home rule municipality may not regulate  
3 the delivery of alcoholic liquor or require a retail licensee  
4 to obtain a separate or additional license for the delivery of  
5 alcoholic liquor ~~inconsistent with this subsection.~~

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

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

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

22 A retail licensee shall contract only with a third-party  
23 contractor, independent contractor, or agent to facilitate or  
24 make deliveries of alcoholic liquors that has a policy to  
25 verify the age of the person to whom the alcoholic liquor is  
26 being delivered based on the person's valid proof of identity

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

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



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

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

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

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

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

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

1 possession, and use of limited and stated quantities of  
2 alcoholic liquor as follows:

3 Class 1, not to exceed ..... 500 gallons

4 Class 2, not to exceed ..... 1,000 gallons

5 Class 3, not to exceed ..... 5,000 gallons

6 Class 4, not to exceed ..... 10,000 gallons

7 Class 5, not to exceed ..... 50,000 gallons

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

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

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

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

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

24 (l) (i) A broker's license shall be required of all  
25 persons who solicit orders for, offer to sell, or offer to  
26 supply alcoholic liquor to retailers in the State of Illinois,

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

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

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

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

1 specifically authorized in Section 6-29 of this Act.

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

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

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

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

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

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



1 wholly owned and operated by the same licensee may combine  
2 each location's production limit of 155,000 gallons of beer  
3 per year and allocate the aggregate total between the wholly  
4 owned, operated, and licensed locations.

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

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

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

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

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

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

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

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

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

21 If a brew pub licensee is issued a class 3 brewer license,  
22 the class 3 brewer license shall expire on the same date as the  
23 existing brew pub license and the State Commission shall not  
24 require a class 3 brewer licensee to obtain a brewer license~~7~~  
25 or in the alternative, to pay a fee for a brewer license,  
26 until the date the brew pub license of the applicant would have

1 expired.

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

12 Nothing in this Act prohibits a distributor or importing  
13 distributor from offering credit or a refund for unused,  
14 salable beer to a holder of a caterer retailer license or a  
15 caterer retailer licensee from accepting a credit or refund  
16 for unused, salable beer, in the event an act of God is the  
17 sole reason an off-site event is canceled ~~cancelled~~ and if:

18 (i) the holder of a caterer retailer license has not  
19 transferred alcoholic liquor from its caterer retailer  
20 premises to an off-site location; (ii) the distributor or  
21 importing distributor offers the credit or refund for the  
22 unused, salable beer that it delivered to the off-site  
23 premises and not for any unused, salable beer that the  
24 distributor or importing distributor delivered to the caterer  
25 retailer's premises; and (iii) the unused, salable beer would  
26 likely spoil if transferred to the caterer retailer's

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

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

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

25 (q) A special use permit license shall allow an Illinois  
26 licensed retailer to transfer a portion of its alcoholic

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

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

1 inventory to the retail premises.

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

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

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

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

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

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

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



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

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

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

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

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

26      Pursuant to paragraph (5.1) or (5.3) of subsection (a) of

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

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

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

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

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

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

1 premises to a licensed distilling pub wholly owned and  
2 operated by the same licensee.

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

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

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

25 (w) A beer showcase permit license shall allow an  
26 Illinois-licensed distributor to transfer a portion of its

1 beer inventory from its licensed premises to the premises  
2 specified in the beer showcase permit license, and, in the  
3 case of a class 3 brewer, transfer only beer the class 3 brewer  
4 manufactures from its licensed premises to the premises  
5 specified in the beer showcase permit license; and to sell or  
6 offer for sale at retail, only in the premises specified in the  
7 beer showcase permit license, the transferred or delivered  
8 beer for on or off premise consumption, but not for resale in  
9 any form and to sell to non-licensees not more than 96 fluid  
10 ounces of beer per person. A beer showcase permit license may  
11 be granted for the following time periods: one day or less; or  
12 2 or more days to a maximum of 15 days per location in any  
13 12-month period. An applicant for a beer showcase permit  
14 license 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 beer 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.)

1       Sec. 6-16. Prohibited sales and possession.

2       (a) (i) No licensee nor any officer, associate, member,  
3       representative, agent, or employee of such licensee shall  
4       sell, give, or deliver alcoholic liquor to any person under  
5       the age of 21 years or to any visibly intoxicated person,  
6       except as provided in Section 6-16.1. (ii) No express company,  
7       common carrier, or contract carrier nor any representative,  
8       agent, or employee on behalf of an express company, common  
9       carrier, or contract carrier that carries or transports  
10      alcoholic liquor for delivery within this State shall  
11      knowingly give or knowingly deliver to a residential address  
12      any shipping container clearly labeled as containing alcoholic  
13      liquor and labeled as requiring signature of an adult of at  
14      least 21 years of age to any person in this State under the age  
15      of 21 years. An express company, common carrier, or contract  
16      carrier that carries or transports such alcoholic liquor for  
17      delivery within this State shall obtain a signature at the  
18      time of delivery acknowledging receipt of the alcoholic liquor  
19      by an adult who is at least 21 years of age. At no time while  
20      delivering alcoholic beverages within this State may any  
21      representative, agent, or employee of an express company,  
22      common carrier, or contract carrier that carries or transports  
23      alcoholic liquor for delivery within this State deliver the  
24      alcoholic liquor to a residential address without the  
25      acknowledgment of the consignee and without first obtaining a  
26      signature at the time of the delivery by an adult who is at

1 least 21 years of age. A signature of a person on file with the  
2 express company, common carrier, or contract carrier does not  
3 constitute acknowledgement of the consignee. Any express  
4 company, common carrier, or contract carrier that transports  
5 alcoholic liquor for delivery within this State that violates  
6 this item (ii) of this subsection (a) by delivering alcoholic  
7 liquor without the acknowledgement of the consignee and  
8 without first obtaining a signature at the time of the  
9 delivery by an adult who is at least 21 years of age is guilty  
10 of a business offense for which the express company, common  
11 carrier, or contract carrier that transports alcoholic liquor  
12 within this State shall be fined not more than \$1,001 for a  
13 first offense, not more than \$5,000 for a second offense, and  
14 not more than \$10,000 for a third or subsequent offense. An  
15 express company, common carrier, or contract carrier shall be  
16 held vicariously liable for the actions of its  
17 representatives, agents, or employees. For purposes of this  
18 Act, in addition to other methods authorized by law, an  
19 express company, common carrier, or contract carrier shall be  
20 considered served with process when a representative, agent,  
21 or employee alleged to have violated this Act is personally  
22 served. Each shipment of alcoholic liquor delivered in  
23 violation of this item (ii) of this subsection (a) constitutes  
24 a separate offense. (iii) No person, after purchasing or  
25 otherwise obtaining alcoholic liquor, shall sell, give, or  
26 deliver such alcoholic liquor to another person under the age



1 of 21 years, except in the performance of a religious ceremony  
2 or service. Except as otherwise provided in item (ii), any  
3 express company, common carrier, or contract carrier that  
4 transports alcoholic liquor within this State that violates  
5 the provisions of item (i), (ii), or (iii) of this paragraph of  
6 this subsection (a) is guilty of a Class A misdemeanor and the  
7 sentence shall include, but shall not be limited to, a fine of  
8 not less than \$500. Any person who violates the provisions of  
9 item (iii) of this paragraph of this subsection (a) is guilty  
10 of a Class A misdemeanor and the sentence shall include, but  
11 shall not be limited to a fine of not less than \$500 for a  
12 first offense and not less than \$2,000 for a second or  
13 subsequent offense. Any person who knowingly violates the  
14 provisions of item (iii) of this paragraph of this subsection  
15 (a) is guilty of a Class 4 felony if a death occurs as the  
16 result of the violation.

17 If a licensee or officer, associate, member,  
18 representative, agent, or employee of the licensee, or a  
19 representative, agent, or employee of an express company,  
20 common carrier, or contract carrier that carries or transports  
21 alcoholic liquor for delivery within this State, is prosecuted  
22 under this paragraph of this subsection (a) for selling,  
23 giving, or delivering alcoholic liquor to a person under the  
24 age of 21 years, the person under 21 years of age who attempted  
25 to buy or receive the alcoholic liquor may be prosecuted  
26 pursuant to Section 6-20 of this Act, unless the person under

1 21 years of age was acting under the authority of a law  
2 enforcement agency, the Illinois Liquor Control Commission, or  
3 a local liquor control commissioner pursuant to a plan or  
4 action to investigate, patrol, or conduct any similar  
5 enforcement action.

6 For the purpose of preventing the violation of this  
7 Section, any licensee, or his agent or employee, or a  
8 representative, agent, or employee of an express company,  
9 common carrier, or contract carrier that carries or transports  
10 alcoholic liquor for delivery within this State, shall refuse  
11 to sell, deliver, or serve alcoholic beverages to any person  
12 who is unable to produce adequate written evidence of identity  
13 and of the fact that he or she is over the age of 21 years, if  
14 requested by the licensee, agent, employee, or representative.

15 Adequate written evidence of age and identity of the  
16 person is a document issued by a federal, state, county, or  
17 municipal government, or subdivision or agency thereof,  
18 including, but not limited to, a motor vehicle operator's  
19 license, a registration certificate issued under the Federal  
20 Selective Service Act, or an identification card issued to a  
21 member of the Armed Forces. Proof that the defendant-licensee,  
22 or his employee or agent, or the representative, agent, or  
23 employee of the express company, common carrier, or contract  
24 carrier that carries or transports alcoholic liquor for  
25 delivery within this State demanded, was shown and reasonably  
26 relied upon such written evidence in any transaction forbidden

1 by this Section is an affirmative defense in any criminal  
2 prosecution therefor or to any proceedings for the suspension  
3 or revocation of any license based thereon. It shall not,  
4 however, be an affirmative defense if the agent or employee  
5 accepted the written evidence knowing it to be false or  
6 fraudulent. If a false or fraudulent Illinois driver's license  
7 or Illinois identification card is presented by a person less  
8 than 21 years of age to a licensee or the licensee's agent or  
9 employee for the purpose of ordering, purchasing, attempting  
10 to purchase, or otherwise obtaining or attempting to obtain  
11 the serving of any alcoholic beverage, the law enforcement  
12 officer or agency investigating the incident shall, upon the  
13 conviction of the person who presented the fraudulent license  
14 or identification, make a report of the matter to the  
15 Secretary of State on a form provided by the Secretary of  
16 State.

17 However, no agent or employee of the licensee or employee  
18 of an express company, common carrier, or contract carrier  
19 that carries or transports alcoholic liquor for delivery  
20 within this State shall be disciplined or discharged for  
21 selling or furnishing liquor to a person under 21 years of age  
22 if the agent or employee demanded and was shown, before  
23 furnishing liquor to a person under 21 years of age, adequate  
24 written evidence of age and identity of the person issued by a  
25 federal, state, county or municipal government, or subdivision  
26 or agency thereof, including but not limited to a motor

1 vehicle operator's license, a registration certificate issued  
2 under the Federal Selective Service Act, or an identification  
3 card issued to a member of the Armed Forces. This paragraph,  
4 however, shall not apply if the agent or employee accepted the  
5 written evidence knowing it to be false or fraudulent.

6 Any person who sells, gives, or furnishes to any person  
7 under the age of 21 years any false or fraudulent written,  
8 printed, or photostatic evidence of the age and identity of  
9 such person or who sells, gives or furnishes to any person  
10 under the age of 21 years evidence of age and identification of  
11 any other person is guilty of a Class A misdemeanor and the  
12 person's sentence shall include, but shall not be limited to,  
13 a fine of not less than \$500.

14 Any person under the age of 21 years who presents or offers  
15 to any licensee, his agent or employee, any written, printed  
16 or photostatic evidence of age and identity that is false,  
17 fraudulent, or not actually his or her own for the purpose of  
18 ordering, purchasing, attempting to purchase or otherwise  
19 procuring or attempting to procure, the serving of any  
20 alcoholic beverage, who falsely states in writing that he or  
21 she is at least 21 years of age when receiving alcoholic liquor  
22 from a representative, agent, or employee of an express  
23 company, common carrier, or contract carrier, or who has in  
24 his or her possession any false or fraudulent written,  
25 printed, or photostatic evidence of age and identity, is  
26 guilty of a Class A misdemeanor and the person's sentence

1 shall include, but shall not be limited to, the following: a  
2 fine of not less than \$500 and at least 25 hours of community  
3 service. If possible, any community service shall be performed  
4 for an alcohol abuse prevention program.

5 Any person under the age of 21 years who has any alcoholic  
6 beverage in his or her possession on any street or highway or  
7 in any public place or in any place open to the public is  
8 guilty of a Class A misdemeanor. This Section does not apply to  
9 possession by a person under the age of 21 years making a  
10 delivery of an alcoholic beverage in pursuance of the order of  
11 his or her parent or in pursuance of his or her employment.

12 (a-1) It is unlawful for any parent or guardian to  
13 knowingly permit his or her residence, any other private  
14 property under his or her control, or any vehicle, conveyance,  
15 or watercraft under his or her control to be used by an invitee  
16 of the parent's child or the guardian's ward, if the invitee is  
17 under the age of 21, in a manner that constitutes a violation  
18 of this Section. A parent or guardian is deemed to have  
19 knowingly permitted his or her residence, any other private  
20 property under his or her control, or any vehicle, conveyance,  
21 or watercraft under his or her control to be used in violation  
22 of this Section if he or she knowingly authorizes or permits  
23 consumption of alcoholic liquor by underage invitees. Any  
24 person who violates this subsection (a-1) is guilty of a Class  
25 A misdemeanor and the person's sentence shall include, but  
26 shall not be limited to, a fine of not less than \$500. Where a

1 violation of this subsection (a-1) directly or indirectly  
2 results in great bodily harm or death to any person, the person  
3 violating this subsection shall be guilty of a Class 4 felony.  
4 Nothing in this subsection (a-1) shall be construed to  
5 prohibit the giving of alcoholic liquor to a person under the  
6 age of 21 years in the performance of a religious ceremony or  
7 service in observation of a religious holiday.

8 For the purposes of this subsection (a-1) where the  
9 residence or other property has an owner and a tenant or  
10 lessee, the trier of fact may infer that the residence or other  
11 property is occupied only by the tenant or lessee.

12 (b) Except as otherwise provided in this Section whoever  
13 violates this Section shall, in addition to other penalties  
14 provided for in this Act, be guilty of a Class A misdemeanor.

15 (c) Any person shall be guilty of a Class A misdemeanor  
16 where he or she knowingly authorizes or permits a residence  
17 which he or she occupies to be used by an invitee under 21  
18 years of age and:

19 (1) the person occupying the residence knows that any  
20 such person under the age of 21 is in possession of or is  
21 consuming any alcoholic beverage; and

22 (2) the possession or consumption of the alcohol by  
23 the person under 21 is not otherwise permitted by this  
24 Act.

25 For the purposes of this subsection (c) where the  
26 residence has an owner and a tenant or lessee, the trier of

1 fact may infer that the residence is occupied only by the  
2 tenant or lessee. The sentence of any person who violates this  
3 subsection (c) shall include, but shall not be limited to, a  
4 fine of not less than \$500. Where a violation of this  
5 subsection (c) directly or indirectly results in great bodily  
6 harm or death to any person, the person violating this  
7 subsection (c) shall be guilty of a Class 4 felony. Nothing in  
8 this subsection (c) shall be construed to prohibit the giving  
9 of alcoholic liquor to a person under the age of 21 years in  
10 the performance of a religious ceremony or service in  
11 observation of a religious holiday.

12 A person shall not be in violation of this subsection (c)  
13 if (A) he or she requests assistance from the police  
14 department or other law enforcement agency to either (i)  
15 remove any person who refuses to abide by the person's  
16 performance of the duties imposed by this subsection (c) or  
17 (ii) terminate the activity because the person has been unable  
18 to prevent a person under the age of 21 years from consuming  
19 alcohol despite having taken all reasonable steps to do so and  
20 (B) this assistance is requested before any other person makes  
21 a formal complaint to the police department or other law  
22 enforcement agency about the activity.

23 (d) Any person who rents a hotel or motel room from the  
24 proprietor or agent thereof for the purpose of or with the  
25 knowledge that such room shall be used for the consumption of  
26 alcoholic liquor by persons under the age of 21 years shall be

1 guilty of a Class A misdemeanor.

2 (e) Except as otherwise provided in this Act, any person  
3 who has alcoholic liquor in his or her possession on public  
4 school district property on school days or at events on public  
5 school district property when children are present is guilty  
6 of a petty offense, unless the alcoholic liquor (i) is in the  
7 original container with the seal unbroken and is in the  
8 possession of a person who is not otherwise legally prohibited  
9 from possessing the alcoholic liquor or (ii) is in the  
10 possession of a person in or for the performance of a religious  
11 service or ceremony authorized by the school board.

12 (f) A law enforcement agency or its agents or employees,  
13 the Illinois Liquor Control Commission or its agents or  
14 employees, or a local liquor control commissioner or its  
15 agents or employees shall, pursuant to a plan or action to  
16 investigate, patrol, or conduct any similar enforcement  
17 action, use only a person under the age of 21 years to attempt  
18 to purchase alcoholic beverages to apprehend licensees, or  
19 employees or agents of licensees, who sell alcoholic beverages  
20 to minors. The following minimum standards apply to any plan  
21 or action to investigate, patrol, or conduct any similar  
22 enforcement action under this Act in which it is alleged that a  
23 minor has purchased an alcoholic beverage:

24 (1) At the time of the operation, the minor shall be 18  
25 or 19 years of age.

26 (2) The minor shall display an appearance that could



1 generally be expected of a person under 21 years of age,  
2 under the actual circumstances presented to the seller of  
3 alcoholic beverages at the time of the alleged offense and  
4 shall not purposely disguise the minor's appearance so as  
5 to misrepresent the minor's actual age.

6 (3) The minor shall be photographed, both before and  
7 after an investigation, for the purpose of creating a  
8 record of the minor's appearance during the time of the  
9 investigation.

10 (4) The minor shall respond truthfully to all  
11 questions posed by the licensee's employee or agent,  
12 including, but not limited to, inquiries concerning the  
13 person's age. The minor shall not remain silent when asked  
14 questions regarding his or her age and shall not make  
15 statements designed to trick, mislead, encourage, or  
16 confuse the employee or agent.

17 (5) The minor shall either carry his or her own  
18 identification showing the minor's correct date of birth  
19 or shall carry no identification.

20 (6) If the minor carries identification, the minor  
21 shall present it upon request to any licensee's employee  
22 or agent.

23 (7) The minor shall not carry any fraudulent or  
24 fictitious identification.

25 Failure to comply with the minimum standards in this  
26 subsection shall be a defense to any action brought against a

1 licensee under this Act, or against the licensee's employee or  
2 agent, for the illegal sale of alcohol to a minor.

3 (Source: P.A. 97-1049, eff. 1-1-13; 98-1017, eff. 1-1-15.)

4 (235 ILCS 5/6-28.8)

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

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

8 (a) In this Section:

9 "Cocktail" or "mixed drink" means any beverage obtained by  
10 combining ingredients alcoholic in nature, whether brewed,  
11 fermented, or distilled, with ingredients non-alcoholic in  
12 nature, such as fruit juice, lemonade, cream, or a carbonated  
13 beverage. "Cocktail" or "mixed drink" does not include an  
14 original or sealed container that is filled, sealed, or  
15 labeled by the manufacturer.

16 "Original container" means, for the purposes of this  
17 Section only, a container that is ~~(i)~~ filled, sealed, and  
18 secured by a retail licensee's employee at the retail  
19 licensee's location with a tamper-evident lid or cap ~~or (ii)~~  
20 ~~filled and labeled by the manufacturer and secured by the~~  
21 ~~manufacturer's original unbroken seal.~~

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

1 ~~"Sealed container" includes a manufacturer's original~~  
2 ~~container as defined in this subsection. "Sealed container"~~  
3 does not include a container with a lid with sipping holes or  
4 openings for straws or a container made of plastic, paper, or  
5 polystyrene foam.

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

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

14 (1) the cocktail, mixed drink, or single serving of  
15 wine is transferred within the licensed premises, by a  
16 curbside pickup, or by delivery by an employee of the  
17 retail licensee who:

18 (A) has been trained in accordance with Section  
19 6-27.1 at the time of the sale;

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

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

25 (2) if the employee delivering the cocktail, mixed  
26 drink, or single serving of wine is not able to safely

1       verify a person's age or level of intoxication upon  
2       delivery or is otherwise not able to complete the  
3       delivery, the employee shall cancel the sale of alcohol  
4       and return the product to the retail license holder;

5               (3) the sealed container is placed in the trunk of the  
6       vehicle or if there is no trunk, in the vehicle's rear  
7       compartment that is not readily accessible to the  
8       passenger area;

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

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

15              (B) the name, license number, and address of the  
16      retail licensee that filled the original container and  
17      sold the product;

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

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

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

26      (c) Third-party delivery services are not permitted to

1 deliver cocktails and mixed drinks under this Section.

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

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

10 (1) a third party delivers the cocktail or mixed  
11 drink;

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

14 (3) a container of a mixed drink, cocktail, or single  
15 serving of wine is transported in the passenger area of a  
16 vehicle;

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

20 (5) the person delivering a mixed drink, cocktail, or  
21 single serving of wine fails to verify the age of the  
22 person to whom the mixed drink or cocktail is being  
23 delivered.

24 (f) Violations of this Section shall be subject to any  
25 applicable penalties, including, but not limited to, the  
26 penalties specified under Section 11-502 of the Illinois

1 Vehicle Code.

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

8 This Section shall only grant authorization to holders of  
9 State of Illinois retail liquor licenses but not to licensees  
10 that simultaneously hold any licensure or privilege to  
11 manufacture alcoholic liquors within or outside of the State  
12 of Illinois.

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

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

17 (h) Except as provided in subsection (f-5), nothing in  
18 this Section shall be construed to prohibit an on-premises  
19 consumption retailer or a combined on-premises consumption  
20 retailer and off-premises sale retailer from delivering mixed  
21 drinks, cocktails, or single servings of wine pursuant to this  
22 Section.

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

24 Section 90. Applicability. This Act applies to pending  
25 actions as well as actions commenced on or after the effective

1 date of this Act.

2 Section 99. Effective date. This Act takes effect July 1,  
3 2026, except that this Section and Section 10 take effect upon  
4 becoming law.".