Introduced 2/22/2021, by Rep. William Davis, Katie Stuart and Will Guzzardi

SYNOPSIS AS INTRODUCED:

See Index

Amends the Liquor Control Act of 1934. Adds provisions concerning: first class wine-manufacturers, first-class wine-makers, and second-class wine-makers that manufacture beer or spirits; class 1 craft distillers and class 2 craft distillers that manufacture wine or beer; and class 1 brewers and class 2 brewers that manufacture wine or spirits. Prohibits self-distribution exemption holders from being affiliated with a group that produces certain quantities of beer, wine, or spirits (instead of any other alcoholic liquor). Creates the brewery shipper's license and the distillery shipper's license to allow certain licensees to ship beer or spirits. Contains provisions concerning licensing fees; application for a license; recordkeeping; and taxation. Limits home rule powers to regulate the delivery of alcoholic liquor. Removes language providing that any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. Provides that a brew pub licensee may sell no more than 6,200 gallons of beer per year to retail licensees within a 10-mile radius of the licensed premises if the premises are in a city with a population of more than 1,000,000 or within a 50-mile radius of the licensed premises if the premises are in a city with a population of 1,000,000 or less. Deletes a provision specifying that the sale of beer at retail by a brew pub must be in-person. Adds that provisions authorizing delivery and carry out of mixed drinks grant authorization to class 1 craft distillers, wine-maker's premises, brew pubs, and distilling pubs. Removes language repealing the provision concerning delivery and carry out of mixed drinks on June 2, 2021. Makes other changes. Effective immediately.
AN ACT concerning liquor.

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

Section 5. The Liquor Control Act of 1934 is amended by changing Sections 1-3.33, 3-12, 5-1, 5-3, 6-4, 6-28.8, 6-29.1, and 10-1 and by adding Sections 6-29.05 and 6-29.06 as follows:

(235 ILCS 5/1-3.33)

Sec. 1-3.33. "Brew Pub" means a person who manufactures no more than 155,000 gallons of beer per year only at a designated licensed premises to make sales to importing distributors, to distributors, to retail licensees (but not more than 6,200 gallons of beer per year to retail licensees within a 10-mile radius of the licensed premises in a city with a population of more than 1,000,000 or within a 50-mile radius of the licensed premises in a city with a population of 1,000,000 or less), and to non-licensees for use and consumption on the premises or off the premises only, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises, provided that a brew pub licensee shall not sell for on-premises consumption or off-premises consumption more than 155,000 gallons per year.

(Source: P.A. 99-448, eff. 8-24-15.)
Sec. 3-12. Powers and duties of State Commission.
(a) The State Commission shall have the following powers, functions, and duties:

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

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

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

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

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

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

(3) To call upon other administrative departments of
the State, county and municipal governments, county and
city police departments and upon prosecuting officers for
such information and assistance as it deems necessary in
the performance of its duties.
(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

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

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

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

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

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

(5.5) To investigate any and all unlicensed activity.

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

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

(7) The State Commission shall establish uniform
systems of accounts to be kept by all retail licensees
having more than 4 employees, and for this purpose the
State Commission may classify all retail licensees having
more than 4 employees and establish a uniform system of
accounts for each class and prescribe the manner in which
such accounts shall be kept. The State Commission may also
prescribe the forms of accounts to be kept by all retail
licensees having more than 4 employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State Commission or by any local liquor control commissioner or his or her authorized representative. The commission may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

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

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

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

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

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.
(11.1) To license persons providing education and training to alcohol beverage sellers and servers for mandatory and non-mandatory training under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

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

(13) (Blank).

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

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

(B) The amount of licensing fees received.

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

(D) The number of alcohol compliance operations conducted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Any application submitted shall be posted on the State Commission's website at least 45 days prior to action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the class 1 brewer licensee: (1) is in compliance with the State, revenue, and alcoholic beverage laws; (2) is not a member of any affiliated group that manufactures directly or indirectly, more than 930,000 gallons of beer per annum, 25,000 gallons of wine per annum, or 50,000
gallons of spirits per annum or produces any other alcoholic beverages; (3) shall not annually manufacture for sale more than 930,000 gallons of beer, 25,000 gallons of wine, or 50,000 gallons of spirits; (4) shall not annually sell more than 232,500 gallons of its beer to retail licensees or to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection (e) of Section 6-4 of this Act, sell beer, cider, or both beer and cider to non-licensees at their breweries; and (5) has relinquished any brew pub license held by the licensee, including any ownership interest it held in the licensed brew pub.

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

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

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

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

(19)(A) A class 1 craft distiller licensee or a non-resident dealer who manufactures less than 50,000 gallons of distilled spirits per year may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 5,000 gallons of the exemption holder's spirits to retail licensees per year.
(B) In the application, which shall be sworn under
penalty of perjury, the class 1 craft distiller licensee
or non-resident dealer shall state (1) the date it was
established; (2) its volume of spirits manufactured and
sold for each year since its establishment; (3) its
efforts to establish distributor relationships; (4) that a
self-distribution exemption is necessary to facilitate the
marketing of its spirits; and (5) that it will comply with
the alcoholic beverage and revenue laws of the United
States, this State, and any other state where it is
licensed.

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

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

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

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

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

(20)(A) A brew pub licensee who must annually manufacture less than 155,000 gallons of beer may make application to the State Commission for a self-distribution exemption to allow the sale of not more than 6,200 gallons of the exemption holder's beer per year to retail licensees and to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection (e) of Section 6-4 of this Act, sell beer, cider, or both beer and cider to non-licensees at their breweries.

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

(C) Any application submitted shall be posted on the State Commission's website at least 45 days prior to action by the State Commission. The State Commission shall approve the application for a self-distribution exemption if the brew pub licensee: (1) is in compliance with the State, revenue, and alcoholic beverage laws; (2) is not a
member of any affiliated group that manufacturers, directly or indirectly, more than 3,720,000 gallons of beer per annum, 100,000 gallons of wine per annum, or 100,000 gallons of spirits per annum; (3) shall not annually manufacture for sale more than 155,000 gallons of beer; and (4) shall not annually sell more than 6,200 gallons of beer to retail licensees or to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection (e) of Section 6-4 of this Act, sell beer, cider, or both beer and cider to non-licensees at their breweries.

(D) A self-distribution exemption holder shall annually certify to the State Commission its manufacture of beer during the previous 12 months and its anticipated manufacture and sales of beer for the next 12 months. The State Commission may fine, suspend, or revoke a self-distribution exemption after a hearing if it finds that the exemption holder has made a material misrepresentation in its application, violated a revenue or alcoholic beverage law of Illinois, exceeded the manufacture of 155,000 gallons of beer in any calendar year or became part of an affiliated group manufacturing more than 3,720,000 gallons of beer, 100,000 gallons of wine, or 100,000 gallons of spirits.

(E) The State Commission shall issue rules and regulations governing self-distribution exemptions consistent with this Act.
(F) Nothing in this paragraph (20) shall prohibit a self-distribution exemption holder from entering into or simultaneously having a distribution agreement with a licensed Illinois importing distributor or a distributor. If a self-distribution exemption holder enters into a distribution agreement and has assigned distribution rights to an importing distributor or distributor, then the self-distribution exemption holder's distribution rights in the assigned territories shall cease in a reasonable time not to exceed 60 days.

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

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

As part of its report, the Commission shall provide the following information:
(i) the amount of State excise and sales tax revenues generated as a result of Public Act 90-739;

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

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

(Source: P.A. 100-134, eff. 8-18-17; 100-201, eff. 8-18-17; 100-816, eff. 8-13-18; 100-1012, eff. 8-21-18; 100-1050, eff. 8-23-18; 101-37, eff. 7-3-19; 101-81, eff. 7-12-19; 101-482, eff. 8-23-19; revised 9-20-19.)

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

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


(b) Distributor's license,

(c) Importing Distributor's license,
(d) Retailer's license,
(e) Special Event Retailer's license (not-for-profit),
(f) Railroad license,
(g) Boat license,
(h) Non-Beverage User's license,
(i) Wine-maker's premises license,
(j) Airplane license,
(k) Foreign importer's license,
(l) Broker's license,
(m) Non-resident dealer's license,
(n) Brew Pub license,
(o) Auction liquor license,
(p) Caterer retailer license,
(q) Special use permit license,
(r) Winery shipper's license,
(s) Craft distiller tasting permit,
(t) Brewer warehouse permit,
(u) Distilling pub license,
(v) Craft distiller warehouse permit,
(w) Brewery shipper's license,
(x) Distillery shipper's license.

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

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

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

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

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

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees. If a first class wine-manufacturer manufactures beer, it shall obtain a class 1 brewer license only, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If the first class wine-manufacturer manufactures spirits, it shall obtain a class 1 craft distiller license only, shall not manufacture more than 50,000 gallons of spirits per year, and shall not be
a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. A first class wine-manufacturer shall be permitted to sell wine manufactured at the first class wine-manufacturer premises to non-licensees.

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

   Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634), is a holder of a first-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634. If a first-class wine-maker manufactures beer, it shall obtain a class 1 brewer license only, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If a first-class wine-maker manufactures spirits, it shall obtain a class 1 craft distiller license only, shall not manufacture more than 50,000
gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. A first-class wine-maker holding a class 1 brewer license or a class 1 craft distiller license shall not be eligible for a wine-maker's premises license but shall be permitted to sell wine manufactured at the first-class wine-maker's premises to non-licensees.

Class 7. A second-class wine-maker's license shall allow the manufacture of up to between 50,000 and 150,000 gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. A person who, prior to June 1, 2008 (the effective date of Public Act 95-634), is a holder of a second-class wine-maker's license and annually produces more than 25,000 gallons of its own wine and who distributes its wine to licensed retailers shall cease this practice on or before July 1, 2008 in compliance with Public Act 95-634. If a second-class wine-maker manufactures beer, it shall obtain a class 2 brewer license only, shall not manufacture more than 3,720,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year. If a second-class wine-maker manufactures spirits, it shall obtain a class 2 craft distiller license only, shall not manufacture more than 150,000 gallons of spirits per year, and
shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year.

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

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

Class 10. A class 1 craft distiller license, which may only be issued to a licensed craft distiller or licensed non-resident dealer, shall allow the manufacture of up to 50,000 gallons of spirits per year provided that the class 1 craft distiller licensee does not manufacture more than a combined 50,000 gallons of spirits per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year or any other alcoholic liquor. If a class 1 craft distiller manufactures beer, it shall obtain a class 1 brewer license.
only, shall not manufacture more than 930,000 gallons of beer per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year. If a class 1 craft distiller manufactures wine, it shall obtain a first class wine-manufacturer license or a first-class wine-makers license only, shall not manufacture more than 50,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of wine per year. A class 1 craft distiller licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph (19) of subsection (a) of Section 3-12 of this Act. However, the aggregate amount of spirits sold to non-licensees and sold or delivered to retail licensees may not exceed 5,000 gallons per year.

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

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

Class 11. A class 2 craft distiller license, which may
only be issued to a licensed craft distiller or licensed
non-resident dealer, shall allow the manufacture of up to
100,000 gallons of spirits per year provided that the class 2
craft distiller licensee does not manufacture more than a
combined 100,000 gallons of spirits per year and is not a
member of or affiliated with, directly or indirectly, a
manufacturer that produces more than 100,000 gallons of
spirits per year or any other alcoholic liquor. If a class 2
craft distiller manufactures beer, it shall obtain a class 2
brewer license only, shall not manufacture more than 3,720,000
gallons of beer per year, and shall not be a member of or
affiliated with, directly or indirectly, a manufacturer that
produces more than 3,720,000 gallons of beer per year. If a
class 2 craft distiller manufactures wine, it shall obtain a
second-class wine-maker's license only, shall not manufacture
more than 150,000 gallons of wine per year, and shall not be a
member of or affiliated with, directly or indirectly, a
manufacturer that produces more than 150,000 gallons of wine per year. A class 2 craft distiller licensee may make sales and deliveries to importing distributors and distributors, but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 craft distiller licensee may annually transfer up to 100,000 gallons of spirits manufactured by that class 2 craft distiller licensee to the premises of a licensed class 2 craft distiller wholly owned and operated by the same licensee. A class 2 craft distiller may transfer spirits to a distilling pub wholly owned and operated by the class 2 craft distiller subject to the following limitations and restrictions: (i) the transfer shall not annually exceed more than 5,000 gallons; (ii) the annual amount transferred shall reduce the distilling pub's annual permitted production limit; (iii) all spirits transferred shall be subject to Article VIII of this Act; (iv) a written record shall be maintained by the distiller and distilling pub specifying the amount, date of delivery, and receipt of the product by the distilling pub; and (v) the distilling pub shall be located no farther than 80 miles from the class 2 craft distiller's licensed location.

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

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

Class 12. A class 1 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 930,000 gallons of beer per year provided that the class 1 brewer licensee does not manufacture more than a combined 930,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 930,000 gallons of beer per year or any other alcoholic liquor. If a class 1 brewer manufacturer manufactures spirits, it shall obtain a class 1 craft distiller license only, shall not manufacture more than 50,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 50,000 gallons of spirits per year. If a class 1 craft brewer manufactures wine, it shall obtain a first class wine-manufacturer license or a first-class wine-makers license only, shall not manufacture more than 50,000 gallons of wine per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer
that produces more than 50,000 gallons of wine per year. A class 1 brewer licensee may make sales and deliveries to importing distributors and distributors and to retail licensees in accordance with the conditions set forth in paragraph (18) of subsection (a) of Section 3-12 of this Act. If the State Commission provides prior approval, a class 1 brewer may annually transfer up to 930,000 gallons of beer manufactured by that class 1 brewer to the premises of a licensed class 1 brewer wholly owned and operated by the same licensee.

Class 13. A class 2 brewer license, which may only be issued to a licensed brewer or licensed non-resident dealer, shall allow the manufacture of up to 3,720,000 gallons of beer per year provided that the class 2 brewer licensee does not manufacture more than a combined 3,720,000 gallons of beer per year and is not a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 3,720,000 gallons of beer per year or any other alcoholic liquor. If a class 2 brewer manufactures spirits, it shall obtain a class 2 craft distiller license only, shall not manufacture more than 100,000 gallons of spirits per year, and shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 100,000 gallons of spirits per year. If a class 2 craft distiller manufactures wine, it shall obtain a second-class wine-maker's license only, shall not manufacture more than 150,000 gallons of wine per year, and
shall not be a member of or affiliated with, directly or indirectly, a manufacturer that produces more than 150,000 gallons of wine a year. A class 2 brewer licensee may make sales and deliveries to importing distributors and distributors, but shall not make sales or deliveries to any other licensee. If the State Commission provides prior approval, a class 2 brewer licensee may annually transfer up to 3,720,000 gallons of beer manufactured by that class 2 brewer licensee to the premises of a licensed class 2 brewer wholly owned and operated by the same licensee.

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

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

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

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements, misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration. The State Commission shall post a list of registered agents on the
(b) A distributor's license shall allow (i) the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law; (ii) the sale of beer, cider, or both beer and cider to brewers, class 1 brewers, and class 2 brewers that, pursuant to subsection (e) of Section 6-4 of this Act, sell beer, cider, or both beer and cider to non-licensees at their breweries; and (iii) the sale of vermouth to class 1 craft distillers and class 2 craft distillers that, pursuant to subsection (e) of Section 6-4 of this Act, sell spirits, vermouth, or both spirits and vermouth to non-licensees at their distilleries. No person licensed as a distributor shall be granted a non-resident dealer's license.

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

(d) A retailer's license shall allow the licensee to sell
and offer for sale at retail, only in the premises specified in
the license, alcoholic liquor for use or consumption, but not
for resale in any form. Nothing in Public Act 95-634 shall
deny, limit, remove, or restrict the ability of a holder of a
retailer's license to transfer, deliver, or ship alcoholic
liquor to the purchaser for use or consumption subject to any
applicable local law or ordinance. Any retail license issued
to a manufacturer shall only permit the manufacturer to sell
beer at retail on the premises actually occupied by the
manufacturer. For the purpose of further describing the type
of business conducted at a retail licensed premises, a
retailer's licensee may be designated by the State Commission
as (i) an on premise consumption retailer, (ii) an off premise
sale retailer, or (iii) a combined on premise consumption and
off premise sale retailer.

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

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a
statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

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

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing
distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

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

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

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

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A first-class wine-maker that concurrently holds a class 1 brewer license or a class 1 craft distiller license shall not be eligible to hold a wine-maker's premises license. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 100,000 gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer
for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

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

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

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

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

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

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

A broker's license under this subsection (l) shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.
This subsection (l) shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

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

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

(n) A brew pub license shall allow the licensee to only (i)
manufacture up to 155,000 gallons of beer per year only on the
premises specified in the license, (ii) make sales of the beer
manufactured on the premises or, with the approval of the
Commission, beer manufactured on another brew pub licensed
premises that is wholly owned and operated by the same
licensee to importing distributors, distributors, and to
non-licensees for use and consumption, (iii) store the beer
upon the premises, (iv) sell and offer for sale at retail from
the licensed premises for **on-premises consumption or**
off-premises consumption no more than 155,000 gallons per year
so long as such sales are only made in-person, (v) sell and
offer for sale at retail for use and consumption on the
premises specified in the license any form of alcoholic liquor
purchased from a licensed distributor or importing
distributor, (vi) with the prior approval of the Commission,
annually transfer no more than 155,000 gallons of beer
manufactured on the premises to a licensed brew pub wholly
owned and operated by the same licensee, and (vii)
notwithstanding item (i) of this subsection, brew pubs wholly
owned and operated by the same licensee may combine each
location's production limit of 155,000 gallons of beer per
year and allocate the aggregate total between the wholly
owned, operated, and licensed locations, and (viii) sell no
more than 6,200 gallons of beer per year to retail licensees within a 10-mile radius of the licensed premises if the premises are in a city with a population of more than 1,000,000 or within a 50-mile radius of the licensed premises if the premises are in a city with a population of 1,000,000 or less.

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

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

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

Except as provided in Section 6-16 or 6-23, nothing in 
this Act shall deny, limit, remove, or restrict the ability of 
a holder of a brew pub license to transfer or ship alcoholic 
liquor to the purchaser for use or consumption subject to any 
applicable local law or ordinance. Except as provided in 
Section 6-16 or 6-23, nothing in this Act shall deny, limit, 
remove, or restrict the ability of a holder of a brew pub 
license to deliver alcoholic liquor to the purchaser for use 
or consumption. The delivery shall be made only within 12 
hours after the alcoholic liquor leaves the licensed premises 
of the brew pub for delivery. 

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

For the purposes of this subsection, "delivery" means the 
movement of alcoholic liquor purchased from a licensed brew
pub to a consumer through the following methods:

(1) delivery within the licensed brew pub parking lot, including curbside, for pickup by the consumer;

(2) delivery by an owner, officer, director, shareholder, or employee of the licensed brew pub; or

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

Under paragraph (1), (2), or (3) of this subsection, "delivery" does not include the use of common carriers.

For the purposes of this subsection, "ship" means to move alcoholic liquor from a licensed brew pub to a consumer via a common carrier.

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

Nothing in this Act prohibits a distributor or importing distributor from offering credit or a refund for unused, salable beer to a holder of a caterer retailer license or a
caterer retailer licensee from accepting a credit or refund for unused, salable beer, in the event an act of God is the sole reason an off-site event is cancelled and if: (i) the holder of a caterer retailer license has not transferred alcoholic liquor from its caterer retailer premises to an off-site location; (ii) the distributor or importing distributor offers the credit or refund for the unused, salable beer that it delivered to the off-site premises and not for any unused, salable beer that the distributor or importing distributor delivered to the caterer retailer's premises; and (iii) the unused, salable beer would likely spoil if transferred to the caterer retailer's premises. A caterer retailer license shall allow the holder to transfer any inventory from any off-site location to its caterer retailer premises at the conclusion of an off-site event or engage a distributor or importing distributor to transfer any inventory from any off-site location to its caterer retailer premises at the conclusion of an off-site event, provided that the distributor or importing distributor issues bona fide charges to the caterer retailer licensee for fuel, labor, and delivery and the distributor or importing distributor collects payment from the caterer retailer licensee prior to the distributor or importing distributor transferring inventory to the caterer retailer premises.

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

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

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

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

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

(r) A winery shipper's license shall allow a person with a
first-class or second-class wine manufacturer's license, a
first-class or second-class wine-maker's license, or a limited
wine manufacturer's license or who is licensed to make wine
under the laws of another state to ship wine made by that
licensee directly to a resident of this State who is 21 years
of age or older for that resident's personal use and not for
resale. Prior to receiving a winery shipper's license, an
applicant for the license must provide the Commission with a
true copy of its current license in any state in which it is
licensed as a manufacturer of wine. An applicant for a winery
shipper's license must also complete an application form that
provides any other information the Commission deems necessary.
The application form shall include all addresses from which
the applicant for a winery shipper's license intends to ship
wine, including the name and address of any third party,
except for a common carrier, authorized to ship wine on behalf
of the manufacturer. The application form shall include an
acknowledgement consenting to the jurisdiction of the
Commission, the Illinois Department of Revenue, and the courts
of this State concerning the enforcement of this Act and any
related laws, rules, and regulations, including authorizing
the Department of Revenue and the Commission to conduct audits
for the purpose of ensuring compliance with Public Act 95-634,
and an acknowledgement that the wine manufacturer is in compliance with Section 6-2 of this Act. Any third party, except for a common carrier, authorized to ship wine on behalf of a first-class or second-class wine manufacturer's licensee, a first-class or second-class wine-maker's licensee, a limited wine manufacturer's licensee, or a person who is licensed to make wine under the laws of another state shall also be disclosed by the winery shipper's licensee, and a copy of the written appointment of the third-party wine provider, except for a common carrier, to the wine manufacturer shall be filed with the State Commission as a supplement to the winery shipper's license application or any renewal thereof. The winery shipper's license holder shall affirm under penalty of perjury, as part of the winery shipper's license application or renewal, that he or she only ships wine, either directly or indirectly through a third-party provider, from the licensee's own production.

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

1. the name, address, and license number of the winery shipper on whose behalf the shipment was made;
2. the quantity of the products delivered; and
3. the date and address of the shipment.

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

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

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

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

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

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

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

(t) A brewer warehouse permit may be issued to the holder of a class 1 brewer license or a class 2 brewer license. If the holder of the permit is a class 1 brewer licensee, the brewer warehouse permit shall allow the holder to store or warehouse up to 930,000 gallons of tax-determined beer manufactured by the holder of the permit at the premises specified on the permit. If the holder of the permit is a class 2 brewer licensee, the brewer warehouse permit shall allow the holder to store or warehouse up to 3,720,000 gallons of tax-determined beer manufactured by the holder of the permit at the premises specified on the permit. Sales to non-licensees are prohibited at the premises specified in the brewer warehouse permit.

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

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

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

Except as provided in Section 6-16 or 6-23, nothing in this Act shall deny, limit, remove, or restrict the ability of a holder of a distilling pub license to transfer or ship alcoholic liquor to the purchaser for use or consumption subject to any applicable local law or ordinance. Except as provided in Section 6-16 or 6-23, nothing in this Act shall deny, limit, remove, or restrict the ability of a holder of a distilling pub license to deliver alcoholic liquor to the purchaser for use or consumption. The delivery shall be made only within 12 hours after the alcoholic liquor leaves the licensed premises of the distilling pub for delivery.

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

For the purposes of this subsection, "delivery" means the movement of alcoholic liquor purchased from a licensed distilling pub to a consumer through the following methods:

(1) delivery within the licensed distilling pub parking lot, including curbside, for pickup by the consumer;

(2) delivery by an owner, officer, director,
shareholder, or employee of the licensed distilling pub; or

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

Under paragraph (1), (2), or (3) of this subsection, "delivery" does not include the use of common carriers.

For the purposes of this subsection, "ship" means to move alcoholic liquor from a licensed distilling pub to a consumer via a common carrier.

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

(w) A brewery shipper's license shall allow a person with a brewer license or who is licensed to make beer under the laws of another state to ship beer directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a brewery shipper's license, an applicant for the license must provide the State Commission with a true copy of its current license in any state in which it is licensed as a brewer. An applicant for
a brewery shipper's license must also complete an application form that provides any other information the State Commission deems necessary. The application form shall include an acknowledgement consenting to the jurisdiction of the State Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the State Commission to conduct audits for the purpose of ensuring compliance with this amendatory Act of the 102nd General Assembly.

A brewery shipper's licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all beer that is sold by the licensee and shipped to a person in this State. For the purposes of Section 8-1, an out-of-state brewery shipper's licensee shall be taxed in the same manner as a manufacturer of beer. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of beer that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under this Act in accordance with the provisions of Article VIII of this Act, the brewery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all beer
that is sold by the brewery shipper and shipped to persons in this State, the brewery shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A brewery shipper's licensee must collect, maintain, and submit to the State Commission on a semi-annual basis the total gallons of beer per resident shipped to residents of this State. A brewery shipper licensed under this subsection must comply with the requirements of Section 6-29 of this Act.

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

(x) A distillery shipper's license shall allow a person with a distiller license or who is licensed to make spirits under the laws of another state to ship spirits directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a distillery shipper's license, an applicant for the license must provide the State Commission with a true copy of its current license in any state in which it is licensed as a distiller. An applicant for a distillery shipper's license must also complete an application form that provides any other information the State Commission deems necessary. The application form shall include an acknowledgement consenting to the jurisdiction of the State Commission, the Illinois Department of Revenue, and the courts of this State concerning
the enforcement of this Act and any related laws, rules, and
regulations, including authorizing the Department of Revenue
and the State Commission to conduct audits for the purpose of
ensuring compliance with this amendatory Act of the 102nd
General Assembly.

A distillery shipper's licensee must pay to the Department
of Revenue the State liquor gallonage tax under Section 8-1
for all spirits that are sold by the licensee and shipped to a
person in this State. For the purposes of Section 8-1, an
out-of-state distillery shipper's licensee shall be taxed in
the same manner as a manufacturer of spirits. A licensee who is
not otherwise required to register under the Retailers'
Occupation Tax Act must register under the Use Tax Act to
collect and remit use tax to the Department of Revenue for all
gallons of spirits that are sold by the licensee and shipped to
persons in this State. If a licensee fails to remit the tax
imposed under this Act in accordance with the provisions of
Article VIII of this Act, the distillery shipper's license
shall be revoked in accordance with the provisions of Article
VII of this Act. If a licensee fails to properly register and
remit tax under the Use Tax Act or the Retailers' Occupation
Tax Act for all spirits that is sold by the distillery shipper
and shipped to persons in this State, the distillery shipper's
license shall be revoked in accordance with the provisions of
Article VII of this Act.

A distillery shipper's licensee must collect, maintain,
and submit to the State Commission on a semi-annual basis the total gallons of spirits per resident shipped to residents of this State. A distillery shipper licensed under this subsection must comply with the requirements of Section 6-29 of this Act.

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

(Source: P.A. 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18; 101-16, eff. 6-14-19; 101-31, eff. 6-28-19; 101-81, eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff. 8-23-19; 101-615, eff. 12-20-19.)

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

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

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

<table>
<thead>
<tr>
<th>Type of License</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online Initial renewal license</td>
<td>65 -</td>
</tr>
</tbody>
</table>

or
<table>
<thead>
<tr>
<th>Class</th>
<th>License Type</th>
<th>Fee 1</th>
<th>Fee 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Distiller</td>
<td>$4,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>2</td>
<td>Rectifier</td>
<td>4,000</td>
<td>5,000</td>
</tr>
<tr>
<td>3</td>
<td>Brewer</td>
<td>1,200</td>
<td>1,500</td>
</tr>
<tr>
<td>4</td>
<td>First-class Wine Manufacturer</td>
<td>750</td>
<td>900</td>
</tr>
<tr>
<td>5</td>
<td>Second-class Wine Manufacturer</td>
<td>1,500</td>
<td>1,750</td>
</tr>
<tr>
<td>6</td>
<td>First-class wine-maker</td>
<td>750</td>
<td>900</td>
</tr>
<tr>
<td>7</td>
<td>Second-class wine-maker</td>
<td>1,500</td>
<td>1,750</td>
</tr>
<tr>
<td>8</td>
<td>Limited Wine Manufacturer</td>
<td>250</td>
<td>350</td>
</tr>
<tr>
<td>9</td>
<td>Craft Distiller</td>
<td>$2,000</td>
<td>$2,500</td>
</tr>
<tr>
<td>10</td>
<td>Class 1 Craft Distiller</td>
<td>50</td>
<td>75</td>
</tr>
<tr>
<td>11</td>
<td>Class 2 Craft Distiller</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>12</td>
<td>Class 1 Brewer</td>
<td>50</td>
<td>75</td>
</tr>
<tr>
<td>13</td>
<td>Class 2 Brewer</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>14</td>
<td>Brew Pub License</td>
<td>1,200</td>
<td>1,500</td>
</tr>
<tr>
<td>15</td>
<td>Distilling Pub License</td>
<td>1,200</td>
<td>1,500</td>
</tr>
<tr>
<td>16</td>
<td>Caterer Retailer's license</td>
<td>350</td>
<td>500</td>
</tr>
<tr>
<td>17</td>
<td>Foreign Importer's license</td>
<td>25</td>
<td>25</td>
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<tr>
<td>18</td>
<td>Importing Distributor's license</td>
<td>25</td>
<td>25</td>
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<tr>
<td>19</td>
<td>Distributor's license</td>
<td></td>
<td></td>
</tr>
<tr>
<td>License Type</td>
<td>Range of Gallons</td>
<td>Fee 1</td>
<td>Fee 2</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>------------------</td>
<td>-------</td>
<td>-------</td>
</tr>
<tr>
<td>For a distributor's license</td>
<td>11,250,000 gallons or over</td>
<td>1,450</td>
<td>2,200</td>
</tr>
<tr>
<td>For a distributor's license</td>
<td>over 4,500,000 gallons, but under 11,250,000 gallons</td>
<td>950</td>
<td>1,450</td>
</tr>
<tr>
<td>For a non-resident dealer's license</td>
<td>4,500,000 gallons or under</td>
<td>300</td>
<td>450</td>
</tr>
<tr>
<td>For a non-resident dealer's license</td>
<td>500,000 gallons or over</td>
<td>1,200</td>
<td>1,500</td>
</tr>
<tr>
<td>For a non-resident dealer's license</td>
<td>under 500,000 gallons</td>
<td>250</td>
<td>350</td>
</tr>
<tr>
<td>For a wine-maker's premises license</td>
<td></td>
<td>250</td>
<td>500</td>
</tr>
<tr>
<td>For a winery shipper's license</td>
<td>under 250,000 gallons</td>
<td>200</td>
<td>350</td>
</tr>
<tr>
<td>For a winery shipper's license</td>
<td>250,000 or over, but under 500,000 gallons</td>
<td>750</td>
<td>1,000</td>
</tr>
<tr>
<td>For a winery shipper's license</td>
<td>500,000 gallons or over</td>
<td>1,200</td>
<td>1,500</td>
</tr>
<tr>
<td>For a wine-maker's premises</td>
<td></td>
<td>500</td>
<td>1,000</td>
</tr>
<tr>
<td>For a wine-maker's premises</td>
<td>license, second location</td>
<td>500</td>
<td>1,000</td>
</tr>
<tr>
<td>For a wine-maker's premises</td>
<td>license, third location</td>
<td>500</td>
<td>1,000</td>
</tr>
<tr>
<td>For a retailer's license</td>
<td></td>
<td>600</td>
<td>750</td>
</tr>
<tr>
<td>For a special event retailer's license</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
license, (not-for-profit) ....... 25 25
For a special use permit license,
one day only ................. 100 150
2 days or more ............... 150 250
For a railroad license ........ 100 150
For a boat license ............ 500 1,000
For an airplane license, times the
licensee's maximum number of
aircraft in flight, serving
liquor over the State at any
given time, which either
originate, terminate, or make
an intermediate stop in
the State ...................... 100 150
For a non-beverage user's license:
Class 1 ....................... 24 24
Class 2 ....................... 60 60
Class 3 ....................... 120 120
Class 4 ....................... 240 240
Class 5 ....................... 600 600
For a broker's license ........ 750 1,000
For an auction liquor license .... 100 150
For a homebrewer special
event permit .................. 25 25
For a craft distiller
tasting permit ................ 25 25
For a BASSET trainer license ...... 300 350
For a tasting representative
license.......................... 200 300
For a brewer warehouse permit ...... 25 25
For a craft distiller
warehouse permit .............. 25 25
For a brewery shipper's license
(under 3,720,000 gallons) ...... 200 350
For a brewery shipper's license
(3,720,000 gallons or over) .... 1,200 1,500
For a distillery shipper's license
(under 100,000 gallons) ....... 200 350
For a distillery shipper's license
(100,000 gallons or over) ...... 1,200 1,500

Fees collected under this Section shall be paid into the Dram Shop Fund. On and after July 1, 2003 and until June 30, 2016, of the funds received for a retailer's license, in addition to the first $175, an additional $75 shall be paid into the Dram Shop Fund, and $250 shall be paid into the General Revenue Fund. On and after June 30, 2016, one-half of the funds received for a retailer's license shall be paid into the Dram Shop Fund and one-half of the funds received for a retailer's license shall be paid into the General Revenue Fund. Beginning June 30, 1990 and on June 30 of each subsequent year through June 29, 2003, any balance over $5,000,000 remaining in the Dram Shop Fund shall be credited to State
liquor licensees and applied against their fees for State liquor licenses for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Fund that is the same as the proportion of the license fee paid by the licensee under this Section for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

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

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

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

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

(Source: P.A. 100-201, eff. 8-18-17; 100-816, eff. 8-13-18; 101-482, eff. 8-23-19; 101-615, eff. 12-20-19; revised 8-19-20.)

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

Sec. 6-4. (a) No person licensed by any licensing authority as a distiller, or a wine manufacturer, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent or
shareholder owning more than 5% of the outstanding shares of such person shall be issued an importing distributor's or distributor's license, nor shall any person licensed by any licensing authority as an importing distributor, distributor or retailer, or any subsidiary or affiliate thereof, or any officer or associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person be issued a distiller's license, a craft distiller's license, or a wine manufacturer's license; and no person or persons licensed as a distiller, craft distiller, class 1 craft distiller, or class 2 craft distiller by any licensing authority shall have any interest, directly or indirectly, with such distributor or importing distributor.

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

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

(c) Provided, however, that in such instances where a distributor's or importing distributor's license has been issued to any distiller or wine manufacturer or to any subsidiary or affiliate of any distiller or wine manufacturer who has, during the licensing period ending June 30, 1947, sold or distributed as such licensed distributor or importing distributor alcoholic liquors and wines to retailers, such distiller or wine manufacturer or any subsidiary or affiliate of any distiller or wine manufacturer holding such distributor's or importing distributor's license may continue to sell or distribute to retailers such alcoholic liquors and wines which are manufactured, distilled, processed or marketed by distillers and wine manufacturers whose products it sold or distributed to retailers during the whole or any part of its licensing periods; and such additional brands and additional products may be added to the line of such distributor or importing distributor, provided, that such brands and such products were not sold or distributed by any distributor or importing distributor licensed by the State Commission during the licensing period ending June 30, 1947, but can not sell or distribute to retailers any other alcoholic liquors or wines.
(d) It shall be unlawful for any distiller licensed
anywhere to have any stock ownership or interest in any
distributor's or importing distributor's license wherein any
other person has an interest therein who is not a distiller and
does not own more than 5% of any stock in any distillery.
Nothing herein contained shall apply to such distillers or
their subsidiaries or affiliates, who had a distributor's or
importing distributor's license during the licensing period
ending June 30, 1947, which license was owned in whole by such
distiller, or subsidiaries or affiliates of such distiller.

(e) Any person licensed as a brewer, class 1 brewer, or
class 2 brewer shall be permitted to sell on the licensed
premises to non-licensees for on or off-premises consumption
for the premises in which he or she actually conducts such
business: (i) beer manufactured by the brewer, class 1 brewer,
or class 2 brewer; (ii) beer manufactured by any other brewer,
class 1 brewer, or class 2 brewer; and (iii) cider. Such sales
shall be limited to on-premises, in-person sales only, for
lawful consumption on or off premises. Such authorization
shall be considered a privilege granted by the brewer license
and, other than a manufacturer of beer as stated above, no
manufacturer or distributor or importing distributor,
excluding airplane licensees exercising powers provided in
paragraph (i) of Section 5-1 of this Act, or any subsidiary or
affiliate thereof, or any officer, associate, member, partner,
representative, employee or agent, or shareholder shall be
issued a retailer's license, nor shall any person having a retailer's license, excluding airplane licensees exercising powers provided in paragraph (i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative or agent, or shareholder be issued a manufacturer's license or importing distributor's license.

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

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

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

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

A person who holds a class 1 craft distiller or class 2 craft distiller license and is authorized by this Section to sell spirits to non-licensees shall not sell spirits to non-licensees from more than 3 total distillery or commonly
owned distilling pub licensed locations in this State. The
class 1 craft distiller or class 2 craft distiller shall
designate to the State Commission the distillery or distilling
pub locations from which it will sell spirits to
non-licensees.
(f) (Blank).
(f-5) Except as provided in Section 6-16 or 6-23, nothing
in this Act shall deny, limit, remove, or restrict the ability
of a holder of a brewer, class 1 brewer, class 2 brewer, class
1 craft distiller, or class 2 craft distiller license to
transfer or deliver alcoholic liquor to the purchaser for use
or consumption subject to any applicable local law or
ordinance. Except as provided in Section 6-16 or 6-23, nothing
in this Act shall deny, limit, remove, or restrict the ability
of a holder of a brewer, class 1 brewer, class 2 brewer, class
1 craft distiller, or class 2 craft distiller license to
deliver alcoholic liquor to the purchaser for use or
consumption. The delivery shall be made only within 12 hours
after the alcoholic liquor leaves the licensed premises for
delivery.
Except for a municipality with a population of more than
1,000,000 inhabitants, a home rule unit may not regulate the
delivery of alcoholic liquor in a manner inconsistent with
this subsection. This paragraph is a limitation under
subsection (i) of Section 6 of Article VII of the Illinois
Constitution on the concurrent exercise by home rule units of
powers and functions exercised by the State.

For the purposes of this subsection, "delivery" means the movement of alcoholic liquor purchased from a licensed brewer, class 1 craft brewer, class 2 brewer, class 1 craft distiller, or class 2 craft distiller to a consumer through the following methods:

(1) delivery within the licensed premises parking lot, including curbside, for pickup by the consumer;

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

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

Under paragraph (1), (2), or (3) of this subsection, "delivery" does not include the use of common carriers.

For the purposes of this subsection, "ship" means to move alcoholic liquor from a licensed manufacturer to a consumer via a common carrier.

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

(h) The changes made to this Section by Public Act 99-47
shall not diminish or impair the rights of any person, whether
a distiller, wine manufacturer, agent, or affiliate thereof,
who requested in writing and submitted documentation to the
State Commission on or before February 18, 2015 to be approved
for a retail license pursuant to what has heretofore been
subsection (f); provided that, on or before that date, the
State Commission considered the intent of that person to apply
for the retail license under that subsection and, by recorded
vote, the State Commission approved a resolution indicating
that such a license application could be lawfully approved
upon that person duly filing a formal application for a retail
license and if that person, within 90 days of the State
Commission appearance and recorded vote, first filed an
application with the appropriate local commission, which
application was subsequently approved by the appropriate local
commission prior to consideration by the State Commission of
that person's application for a retail license. It is further
provided that the State Commission may approve the person's
application for a retail license or renewals of such license
if such person continues to diligently adhere to all
representations made in writing to the State Commission on or
before February 18, 2015, or thereafter, or in the affidavit
filed by that person with the State Commission to support the
issuance of a retail license and to abide by all applicable
laws and duly adopted rules.
(Source: P.A. 100-201, eff. 8-18-17; 100-816, eff. 8-13-18;
Sec. 6-28.8. Delivery and carry out of mixed drinks permitted.

(a) In this Section:

"Cocktail" or "mixed drink" means any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients non-alcoholic in nature, such as fruit juice, lemonade, cream, or a carbonated beverage.

"Original container" means, for the purposes of this Section only, a container that is filled, sealed, and secured by a retail or class 1 craft distiller licensee's employee at the retail licensee's location with a tamper-evident lid or cap.

"Sealed container" means a rigid container that contains a mixed drink, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident. "Sealed container" does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.

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

(b) A cocktail or mixed drink placed in a sealed container
by a retail or class 1 craft distiller licensee at the retail
licensee's location may be transferred and sold for
off-premises consumption if the following requirements are
met:

(1) the cocktail is transferred within the licensed
premises, by a curbside pickup, or by delivery by an
employee of the retail or class 1 craft distiller licensee
who:

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

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

(C) upon delivery, verifies the age of the person
to whom the cocktail is being delivered;

(2) if the employee delivering the cocktail is not
able to safely verify a person's age or level of
intoxication upon delivery, the employee shall cancel the
sale of alcohol and return the product to the retail or
class 1 craft distiller license holder;

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

(4) the sealed container shall be affixed with a label
or tag that contains the following information:

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

(B) the name, license number, and address of the retail or class 1 craft distiller licensee that filled the original container and sold the product;

(C) the volume of the cocktail or mixed drink in the sealed container; and

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

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

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

(e) Delivery or carry out of a cocktail or mixed drink is prohibited if:

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

(2) a container of a mixed drink or cocktail is not tamper-evident and sealed;

(3) a container of a mixed drink or cocktail is transported in the passenger area of a vehicle;
(4) a mixed drink or cocktail is delivered by a person or to a person who is under the age of 21; or
(5) the person delivering a mixed drink or cocktail fails to verify the age of the person to whom the mixed drink or cocktail is being delivered.

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

(f-5) This Section is not intended to prohibit or preempt the ability of a brew pub, tap room, or distilling pub to continue to temporarily deliver alcoholic liquor pursuant to guidance issued by the State Commission on March 19, 2020 entitled "Illinois Liquor Control Commission, COVID-19 Related Actions, Guidance on Temporary Delivery of Alcoholic Liquor". This Section shall only grant authorization to holders of State of Illinois retail liquor licenses as described in subsection (d), (i), (n), or (u) of Section 5-1 or class 1 craft distillers but not to licensees that simultaneously hold any licensure or privilege to manufacture alcoholic liquors within or outside of the State of Illinois.

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

(h) (Blank). This Section is repealed one year after the effective date of this amendatory Act of the 101st General
Sec. 6-29.05. Brewery shipper's license.

(a) The General Assembly declares that the following is the intent of this Section:

1. To authorize direct shipment of beer by an out-of-state brewer on the same basis permitted an in-state brewer pursuant to the authority of the State under the provisions of Section 2 of the Twenty-First Amendment to the United States Constitution and in conformance with the United States Supreme Court decision decided on May 16, 2005 in Granholm v. Heald.

2. To reaffirm that the General Assembly's findings and declarations that selling alcoholic liquor through various direct marketing means such as catalogs, newspapers, mailings, and the Internet directly to consumers of this State poses a serious threat to the State's efforts to further temperance and prevent youth from accessing alcoholic liquor and the expansion of youth access to additional types of alcoholic liquors.

3. To maintain the State's broad powers granted by Section 2 of the Twenty-First Amendment to the United States Constitution to control the importation or sale of alcoholic liquor and its right to structure its alcoholic
liquor distribution system.

(4) To ensure that the General Assembly, by authorizing limited direct shipment of beer to meet the directives of the United States Supreme Court, does not intend to impair or modify the State's distribution of beer through distributors or importing distributors, but only to permit limited shipment of beer for personal use.

(5) To provide that, in the event that a court of competent jurisdiction declares or finds that this Section, which is enacted to conform Illinois law to the United States Supreme Court decision, is invalid or unconstitutional, the Illinois General Assembly at its earliest general session shall conduct hearings and study methods to conform to any directive or order of the court consistent with the temperance and revenue collection purposes of this Act.

(b) Notwithstanding any other provision of law, a brewery shipper's licensee may ship, for personal use and not for resale, not more than 12 cases of beer per year to any resident of this State who is 21 years of age or older.

(c) Notwithstanding any other provision of law, sale and shipment by a brewery shipper's licensee pursuant to this Section shall be deemed to constitute a sale in this State.

(d) The shipping container of any beer shipped under this Section shall be clearly labeled with the following words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR
OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE SHOWN BEFORE DELIVERY.". This warning must be prominently displayed on the packaging. A licensee shall require the transporter or common carrier that delivers the beer to obtain the signature of a person 21 years of age or older at the delivery address at the time of delivery. At the expense of the licensee, the licensee shall receive a delivery confirmation from the express company, common carrier, or contract carrier indicating the location of the delivery, time of delivery, and the name and signature of the individual 21 years of age or older who accepts delivery. The State Commission shall design and create a label or approve a label that must be affixed to the shipping container by the licensee.

(e) No broker within this State shall solicit consumers to engage in direct beer shipments under this Section.

(f) It is not the intent of this Section to impair the distribution of beer through distributors or importing distributors, but only to permit shipments of beer for personal use.

(235 ILCS 5/6-29.06 new)

Sec. 6-29.06. Distillery shipper's license.

(a) The General Assembly declares that the following is the intent of this Section:

(1) To authorize direct shipment of spirits by an out-of-state distiller on the same basis permitted an
in-state distiller pursuant to the authority of the State
under the provisions of Section 2 of the Twenty-First
Amendment to the United States Constitution and in
conformance with the United States Supreme Court decision
decided on May 16, 2005 in Granholm v. Heald.

(2) To reaffirm that the General Assembly's findings
and declarations that selling alcoholic liquor through
various direct marketing means such as catalogs,
newspapers, mailings, and the Internet directly to
consumers of this State poses a serious threat to the
State's efforts to further temperance and prevent youth
from accessing alcoholic liquor and the expansion of youth
access to additional types of alcoholic liquors.

(3) To maintain the State's broad powers granted by
Section 2 of the Twenty-First Amendment to the United
States Constitution to control the importation or sale of
alcoholic liquor and its right to structure its alcoholic
liquor distribution system.

(4) To ensure that the General Assembly, by
authorizing limited direct shipment of spirits to meet the
directives of the United States Supreme Court, does not
intend to impair or modify the State's distribution of
spirits through distributors or importing distributors,
but only to permit limited shipment of spirits for
personal use.

(5) To provide that, in the event that a court of
competent jurisdiction declares or finds that this
Section, which is enacted to conform Illinois law to the
United States Supreme Court decision, is invalid or
unconstitutional, the Illinois General Assembly at its
earliest general session shall conduct hearings and study
methods to conform to any directive or order of the court
consistent with the temperance and revenue collection
purposes of this Act.

(b) Notwithstanding any other provision of law, a
distillery shipper's licensee may ship, for personal use and
not for resale, not more than 12 cases of spirits per year to
any resident of this State who is 21 years of age or older.

(c) Notwithstanding any other provision of law, sale and
shipment by a distillery shipper's licensee pursuant to this
Section shall be deemed to constitute a sale in this State.

(d) The shipping container of any spirit shipped under
this Section shall be clearly labeled with the following
words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF
AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY
MUST BE SHOWN BEFORE DELIVERY.". This warning must be
prominently displayed on the packaging. A licensee shall
require the transporter or common carrier that delivers the
spirits to obtain the signature of a person 21 years of age or
older at the delivery address at the time of delivery. At the
expense of the licensee, the licensee shall receive a delivery
confirmation from the express company, common carrier, or
contract carrier indicating the location of the delivery, time of delivery, and the name and signature of the individual 21 years of age or older who accepts delivery. The State Commission may design and create a label or approve a label that must be affixed to the shipping container by the licensee.

(e) No broker within this State shall solicit consumers to engage in direct spirit shipments under this Section.

(f) It is not the intent of this Section to impair the distribution of spirits through distributors or importing distributors, but only to permit shipments of spirits for personal use.

(235 ILCS 5/6-29.1)

Sec. 6-29.1. Direct shipments of alcoholic liquor.

(a) The General Assembly makes the following findings:

(1) The General Assembly of Illinois, having reviewed this Act in light of the United States Supreme Court's 2005 decision in Granholm v. Heald, has determined to conform that law to the constitutional principles enunciated by the Court in a manner that best preserves the temperance, revenue, and orderly distribution values of this Act.

(2) Minimizing automobile accidents and fatalities, domestic violence, health problems, loss of productivity, unemployment, and other social problems associated with
dependency and improvident use of alcoholic beverages remains the policy of Illinois.

(3) To the maximum extent constitutionally feasible, Illinois desires to collect sufficient revenue from excise and use taxes on alcoholic beverages for the purpose of responding to such social problems.

(4) Combined with family education and individual discipline, retail validation of age, and assessment of the capacity of the consumer remains the best pre-sale social protection against the problems associated with the abuse of alcoholic liquor.

(5) Therefore, the paramount purpose of this amendatory Act is to continue to carefully limit direct shipment sales of wine, beer, and spirits produced by makers of wine, beer, and spirits and to continue to prohibit such direct shipment sales for spirits and beer. For these reasons, the Commission shall establish a system to notify the out-of-state trade of this prohibition and to detect violations. The Commission shall request the Attorney General to extradite any offender.

(b) Pursuant to the Twenty-First Amendment of the United States Constitution allowing states to regulate the distribution and sale of alcoholic liquor and pursuant to the federal Webb-Kenyon Act declaring that alcoholic liquor shipped in interstate commerce must comply with state laws, the General Assembly hereby finds and declares that selling
alcoholic liquor from a point outside this State through various direct marketing means, such as catalogs, newspapers, mailers, and the Internet, directly to residents of this State poses a serious threat to the State's efforts to prevent youths from accessing alcoholic liquor; to State revenue collections; and to the economy of this State.

Any person manufacturing, distributing, or selling alcoholic liquor who knowingly ships or transports or causes the shipping or transportation of any alcoholic liquor from a point outside this State to a person in this State who does not hold a manufacturer's, distributor's, importing distributor's, or non-resident dealer's license issued by the Liquor Control Commission, other than a shipment of sacramental wine to a bona fide religious organization, a shipment authorized by Section 6-29, subparagraph (17) of Section 3-12, or any other shipment authorized by this Act, is in violation of this Act.

The Commission, upon determining, after investigation, that a person has violated this Section, shall give notice to the person by certified mail to cease and desist all shipments of alcoholic liquor into this State and to withdraw from this State within 5 working days after receipt of the notice all shipments of alcoholic liquor then in transit. A person who violates the cease and desist notice is subject to the applicable penalties in subsection (a) of Section 10-1 of this Act.

(Source: P.A. 99-904, eff. 1-1-17.)
Sec. 10-1. Violations; penalties. Whereas a substantial threat to the sound and careful control, regulation, and taxation of the manufacture, sale, and distribution of alcoholic liquors exists by virtue of individuals who manufacture, import, distribute, or sell alcoholic liquors within the State without having first obtained a valid license to do so, and whereas such threat is especially serious along the borders of this State, and whereas such threat requires immediate correction by this Act, by active investigation and prosecution by the State Commission, law enforcement officials, and prosecutors, and by prompt and strict enforcement through the courts of this State to punish violators and to deter such conduct in the future:

(a) Any person who manufactures, imports for distribution or use, transports from outside this State into this State, or distributes or sells 108 liters (28.53 gallons) or more of wine, 45 liters (11.88 gallons) or more of distilled spirits, or 118 liters (31.17 gallons) or more of beer at any place within the State without having first obtained a valid license to do so under the provisions of this Act shall be guilty of a Class 4 felony for each offense. However, any person who was duly licensed under this Act and whose license expired within 30 days prior to a violation shall be guilty of a business offense and fined not more than $1,000 for the first such
offense and shall be guilty of a Class 4 felony for each
subsequent offense.

Any person who manufactures, imports for distribution,
transports from outside this State into this State for sale or
resale in this State, or distributes or sells less than 108
liters (28.53 gallons) of wine, less than 45 liters (11.88
gallons) of distilled spirits, or less than 118 liters (31.17
gallons) of beer at any place within the State without having
first obtained a valid license to do so under the provisions of
this Act shall be guilty of a business offense and fined not
more than $1,000 for the first such offense and shall be guilty
of a Class 4 felony for each subsequent offense. This
subsection does not apply to a motor carrier or freight
forwarder, as defined in Section 13102 of Title 49 of the
United States Code, an air carrier, as defined in Section
40102 of Title 49 of the United States Code, or a rail carrier,
as defined in Section 10102 of Title 49 of the United States
Code.

Any person who: (1) has been issued an initial cease and
desist notice from the State Commission; and (2) for
compensation, does any of the following: (i) ships alcoholic
liquor into this State without a license authorized by Section
5-1 issued by the State Commission or in violation of that
license; or (ii) manufactures, imports for distribution,
transports from outside this State into this State for sale or
resale in this State, or distributes or sells alcoholic
liquors at any place without having first obtained a valid license to do so is guilty of a Class 4 felony for each offense.

(b) (1) Any retailer, caterer retailer, brew pub, special event retailer, special use permit holder, homebrewer special event permit holder, or craft distiller tasting permit holder who knowingly causes alcoholic liquors to be imported directly into the State of Illinois from outside of the State for the purpose of furnishing, giving, or selling to another, except when having received the product from a duly licensed distributor or importing distributor, shall have his license suspended for 30 days for the first offense and for the second offense, shall have his license revoked by the Commission.

(2) In the event the State Commission receives a certified copy of a final order from a foreign jurisdiction that an Illinois retail licensee has been found to have violated that foreign jurisdiction's laws, rules, or regulations concerning the importation of alcoholic liquor into that foreign jurisdiction, the violation may be grounds for the State Commission to revoke, suspend, or refuse to issue or renew a license, to impose a fine, or to take any additional action provided by this Act with respect to the Illinois retail license or licensee. Any such action on the part of the State Commission shall be in accordance with this Act and implementing rules.

For the purposes of paragraph (2): (i) "foreign
jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, and (ii) "final order" means an order or judgment of a court or administrative body that determines the rights of the parties respecting the subject matter of the proceeding, that remains in full force and effect, and from which no appeal can be taken.

(c) Any person who shall make any false statement or otherwise violates any of the provisions of this Act in obtaining any license hereunder, or who having obtained a license hereunder shall violate any of the provisions of this Act with respect to the manufacture, possession, distribution or sale of alcoholic liquor, or with respect to the maintenance of the licensed premises, or shall violate any other provision of this Act, shall for a first offense be guilty of a petty offense and fined not more than $500, and for a second or subsequent offense shall be guilty of a Class B misdemeanor.

(c-5) Any owner of an establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol, who knowingly fails to prohibit concealed firearms on its premises or who knowingly makes a false statement or record to avoid the prohibition of concealed firearms on its premises under the Firearm Concealed Carry Act shall be guilty of a business offense with a fine up to $5,000.
(d) Each day any person engages in business as a manufacturer, foreign importer, importing distributor, distributor or retailer in violation of the provisions of this Act shall constitute a separate offense.

(e) Any person, under the age of 21 years who, for the purpose of buying, accepting or receiving alcoholic liquor from a licensee, represents that he is 21 years of age or over shall be guilty of a Class A misdemeanor.

(f) In addition to the penalties herein provided, any person licensed as a wine-maker in either class, a class 1 or class 2 brewer, or a class 1 or class 2 craft distiller who manufactures more wine, beer, or spirits than authorized by his license shall be guilty of a business offense and shall be fined $1 for each gallon so manufactured.

(g) A person shall be exempt from prosecution for a violation of this Act if he is a peace officer in the enforcement of the criminal laws and such activity is approved in writing by one of the following:

(1) In all counties, the respective State's Attorney;

(2) The Director of State Police under Section 2605-10, 2605-15, 2605-75, 2605-100, 2605-105, 2605-110,
    2605-115, 2605-120, 2605-130, 2605-140, 2605-190,
    2605-200, 2605-205, 2605-210, 2605-215, 2605-250,
    2605-275, 2605-300, 2605-305, 2605-315, 2605-325,
    2605-335, 2605-340, 2605-350, 2605-355, 2605-360,
    2605-365, 2605-375, 2605-390, 2605-400, 2605-405,

(3) In cities over 1,000,000, the Superintendent of Police.

(Source: P.A. 101-37, eff. 7-3-19.)

Section 99. Effective date. This Act takes effect upon becoming law.
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Statutes amended in order of appearance

235 ILCS 5/1-3.33
235 ILCS 5/3-12
235 ILCS 5/5-1 from Ch. 43, par. 115
235 ILCS 5/5-3 from Ch. 43, par. 118
235 ILCS 5/6-4 from Ch. 43, par. 121
235 ILCS 5/6-28.8
235 ILCS 5/6-29.05 new
235 ILCS 5/6-29.06 new
235 ILCS 5/6-29.1
235 ILCS 5/10-1 from Ch. 43, par. 183