



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB4701

Introduced 2/6/2024, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5  
235 ILCS 5/1-3.45 new  
235 ILCS 5/3-12  
235 ILCS 5/5-1 from Ch. 43, par. 115  
235 ILCS 5/5-8 new  
235 ILCS 5/6-29 from Ch. 43, par. 144e  
235 ILCS 5/7-3.5 new  
235 ILCS 5/7-15 new

Amends the Liquor Control Act of 1934. Provides that the amendatory Act may be referred to as the Uniform Alcohol Direct-Shipping Compliance Act. Provides for the registration of third-party providers that ship wine to residents of this State on behalf of winery shippers. With regard to third-party providers, sets forth provisions concerning registration applications; recordkeeping; reporting; and suspending, revoking, or refusing to issue or renew a registration. Provides that a carrier may not deliver to a consumer a package known by the carrier to contain wine unless the consignor is a licensed winery shipper or registered third-party provider and the carrier has verified that license or registration for the current license period. Requires winery shippers, third-party providers, and carriers to file with the Illinois Liquor Control Commission a monthly report containing specified information concerning wine shipments. Provides that the State Commission may suspend, revoke, or refuse to issue or renew a license to manufacture, distribute, or sell alcoholic liquor issued by the State Commission if the State Commission finds, after notice and an opportunity for an evidentiary hearing, that the person holding the license has shipped alcoholic liquor into another state in violation of that state's law. Makes other changes. Amends the Freedom of Information Act to make a conforming change.

LRB103 36426 RPS 66528 b

1 AN ACT concerning liquor.

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

4 Section 1. This Act may be referred to as the Uniform  
5 Alcohol Direct-Shipping Compliance Act.

6 Section 5. The Freedom of Information Act is amended by  
7 changing Section 7.5 as follows:

8 (5 ILCS 140/7.5)

9 (Text of Section before amendment by P.A. 103-472)

10 Sec. 7.5. Statutory exemptions. To the extent provided for  
11 by the statutes referenced below, the following shall be  
12 exempt from inspection and copying:

13 (a) All information determined to be confidential  
14 under Section 4002 of the Technology Advancement and  
15 Development Act.

16 (b) Library circulation and order records identifying  
17 library users with specific materials under the Library  
18 Records Confidentiality Act.

19 (c) Applications, related documents, and medical  
20 records received by the Experimental Organ Transplantation  
21 Procedures Board and any and all documents or other  
22 records prepared by the Experimental Organ Transplantation

1 Procedures Board or its staff relating to applications it  
2 has received.

3 (d) Information and records held by the Department of  
4 Public Health and its authorized representatives relating  
5 to known or suspected cases of sexually transmissible  
6 disease or any information the disclosure of which is  
7 restricted under the Illinois Sexually Transmissible  
8 Disease Control Act.

9 (e) Information the disclosure of which is exempted  
10 under Section 30 of the Radon Industry Licensing Act.

11 (f) Firm performance evaluations under Section 55 of  
12 the Architectural, Engineering, and Land Surveying  
13 Qualifications Based Selection Act.

14 (g) Information the disclosure of which is restricted  
15 and exempted under Section 50 of the Illinois Prepaid  
16 Tuition Act.

17 (h) Information the disclosure of which is exempted  
18 under the State Officials and Employees Ethics Act, and  
19 records of any lawfully created State or local inspector  
20 general's office that would be exempt if created or  
21 obtained by an Executive Inspector General's office under  
22 that Act.

23 (i) Information contained in a local emergency energy  
24 plan submitted to a municipality in accordance with a  
25 local emergency energy plan ordinance that is adopted  
26 under Section 11-21.5-5 of the Illinois Municipal Code.

1           (j) Information and data concerning the distribution  
2 of surcharge moneys collected and remitted by carriers  
3 under the Emergency Telephone System Act.

4           (k) Law enforcement officer identification information  
5 or driver identification information compiled by a law  
6 enforcement agency or the Department of Transportation  
7 under Section 11-212 of the Illinois Vehicle Code.

8           (l) Records and information provided to a residential  
9 health care facility resident sexual assault and death  
10 review team or the Executive Council under the Abuse  
11 Prevention Review Team Act.

12           (m) Information provided to the predatory lending  
13 database created pursuant to Article 3 of the Residential  
14 Real Property Disclosure Act, except to the extent  
15 authorized under that Article.

16           (n) Defense budgets and petitions for certification of  
17 compensation and expenses for court appointed trial  
18 counsel as provided under Sections 10 and 15 of the  
19 Capital Crimes Litigation Act (repealed). This subsection  
20 (n) shall apply until the conclusion of the trial of the  
21 case, even if the prosecution chooses not to pursue the  
22 death penalty prior to trial or sentencing.

23           (o) Information that is prohibited from being  
24 disclosed under Section 4 of the Illinois Health and  
25 Hazardous Substances Registry Act.

26           (p) Security portions of system safety program plans,

1 investigation reports, surveys, schedules, lists, data, or  
2 information compiled, collected, or prepared by or for the  
3 Department of Transportation under Sections 2705-300 and  
4 2705-616 of the Department of Transportation Law of the  
5 Civil Administrative Code of Illinois, the Regional  
6 Transportation Authority under Section 2.11 of the  
7 Regional Transportation Authority Act, or the St. Clair  
8 County Transit District under the Bi-State Transit Safety  
9 Act (repealed).

10 (q) Information prohibited from being disclosed by the  
11 Personnel Record Review Act.

12 (r) Information prohibited from being disclosed by the  
13 Illinois School Student Records Act.

14 (s) Information the disclosure of which is restricted  
15 under Section 5-108 of the Public Utilities Act.

16 (t) (Blank).

17 (u) Records and information provided to an independent  
18 team of experts under the Developmental Disability and  
19 Mental Health Safety Act (also known as Brian's Law).

20 (v) Names and information of people who have applied  
21 for or received Firearm Owner's Identification Cards under  
22 the Firearm Owners Identification Card Act or applied for  
23 or received a concealed carry license under the Firearm  
24 Concealed Carry Act, unless otherwise authorized by the  
25 Firearm Concealed Carry Act; and databases under the  
26 Firearm Concealed Carry Act, records of the Concealed

1 Carry Licensing Review Board under the Firearm Concealed  
2 Carry Act, and law enforcement agency objections under the  
3 Firearm Concealed Carry Act.

4 (v-5) Records of the Firearm Owner's Identification  
5 Card Review Board that are exempted from disclosure under  
6 Section 10 of the Firearm Owners Identification Card Act.

7 (w) Personally identifiable information which is  
8 exempted from disclosure under subsection (g) of Section  
9 19.1 of the Toll Highway Act.

10 (x) Information which is exempted from disclosure  
11 under Section 5-1014.3 of the Counties Code or Section  
12 8-11-21 of the Illinois Municipal Code.

13 (y) Confidential information under the Adult  
14 Protective Services Act and its predecessor enabling  
15 statute, the Elder Abuse and Neglect Act, including  
16 information about the identity and administrative finding  
17 against any caregiver of a verified and substantiated  
18 decision of abuse, neglect, or financial exploitation of  
19 an eligible adult maintained in the Registry established  
20 under Section 7.5 of the Adult Protective Services Act.

21 (z) Records and information provided to a fatality  
22 review team or the Illinois Fatality Review Team Advisory  
23 Council under Section 15 of the Adult Protective Services  
24 Act.

25 (aa) Information which is exempted from disclosure  
26 under Section 2.37 of the Wildlife Code.

1           (bb) Information which is or was prohibited from  
2 disclosure by the Juvenile Court Act of 1987.

3           (cc) Recordings made under the Law Enforcement  
4 Officer-Worn Body Camera Act, except to the extent  
5 authorized under that Act.

6           (dd) Information that is prohibited from being  
7 disclosed under Section 45 of the Condominium and Common  
8 Interest Community Ombudsperson Act.

9           (ee) Information that is exempted from disclosure  
10 under Section 30.1 of the Pharmacy Practice Act.

11           (ff) Information that is exempted from disclosure  
12 under the Revised Uniform Unclaimed Property Act.

13           (gg) Information that is prohibited from being  
14 disclosed under Section 7-603.5 of the Illinois Vehicle  
15 Code.

16           (hh) Records that are exempt from disclosure under  
17 Section 1A-16.7 of the Election Code.

18           (ii) Information which is exempted from disclosure  
19 under Section 2505-800 of the Department of Revenue Law of  
20 the Civil Administrative Code of Illinois.

21           (jj) Information and reports that are required to be  
22 submitted to the Department of Labor by registering day  
23 and temporary labor service agencies but are exempt from  
24 disclosure under subsection (a-1) of Section 45 of the Day  
25 and Temporary Labor Services Act.

26           (kk) Information prohibited from disclosure under the

1 Seizure and Forfeiture Reporting Act.

2 (ll) Information the disclosure of which is restricted  
3 and exempted under Section 5-30.8 of the Illinois Public  
4 Aid Code.

5 (mm) Records that are exempt from disclosure under  
6 Section 4.2 of the Crime Victims Compensation Act.

7 (nn) Information that is exempt from disclosure under  
8 Section 70 of the Higher Education Student Assistance Act.

9 (oo) Communications, notes, records, and reports  
10 arising out of a peer support counseling session  
11 prohibited from disclosure under the First Responders  
12 Suicide Prevention Act.

13 (pp) Names and all identifying information relating to  
14 an employee of an emergency services provider or law  
15 enforcement agency under the First Responders Suicide  
16 Prevention Act.

17 (qq) Information and records held by the Department of  
18 Public Health and its authorized representatives collected  
19 under the Reproductive Health Act.

20 (rr) Information that is exempt from disclosure under  
21 the Cannabis Regulation and Tax Act.

22 (ss) Data reported by an employer to the Department of  
23 Human Rights pursuant to Section 2-108 of the Illinois  
24 Human Rights Act.

25 (tt) Recordings made under the Children's Advocacy  
26 Center Act, except to the extent authorized under that



1 Act.

2 (uu) Information that is exempt from disclosure under  
3 Section 50 of the Sexual Assault Evidence Submission Act.

4 (vv) Information that is exempt from disclosure under  
5 subsections (f) and (j) of Section 5-36 of the Illinois  
6 Public Aid Code.

7 (ww) Information that is exempt from disclosure under  
8 Section 16.8 of the State Treasurer Act.

9 (xx) Information that is exempt from disclosure or  
10 information that shall not be made public under the  
11 Illinois Insurance Code.

12 (yy) Information prohibited from being disclosed under  
13 the Illinois Educational Labor Relations Act.

14 (zz) Information prohibited from being disclosed under  
15 the Illinois Public Labor Relations Act.

16 (aaa) Information prohibited from being disclosed  
17 under Section 1-167 of the Illinois Pension Code.

18 (bbb) Information that is prohibited from disclosure  
19 by the Illinois Police Training Act and the Illinois State  
20 Police Act.

21 (ccc) Records exempt from disclosure under Section  
22 2605-304 of the Illinois State Police Law of the Civil  
23 Administrative Code of Illinois.

24 (ddd) Information prohibited from being disclosed  
25 under Section 35 of the Address Confidentiality for  
26 Victims of Domestic Violence, Sexual Assault, Human

1 Trafficking, or Stalking Act.

2 (eee) Information prohibited from being disclosed  
3 under subsection (b) of Section 75 of the Domestic  
4 Violence Fatality Review Act.

5 (fff) Images from cameras under the Expressway Camera  
6 Act. This subsection (fff) is inoperative on and after  
7 July 1, 2025.

8 (ggg) Information prohibited from disclosure under  
9 paragraph (3) of subsection (a) of Section 14 of the Nurse  
10 Agency Licensing Act.

11 (hhh) Information submitted to the Illinois State  
12 Police in an affidavit or application for an assault  
13 weapon endorsement, assault weapon attachment endorsement,  
14 .50 caliber rifle endorsement, or .50 caliber cartridge  
15 endorsement under the Firearm Owners Identification Card  
16 Act.

17 (iii) Data exempt from disclosure under Section 50 of  
18 the School Safety Drill Act.

19 (jjj) ~~(hhh)~~ Information exempt from disclosure under  
20 Section 30 of the Insurance Data Security Law.

21 (kkk) ~~(iii)~~ Confidential business information  
22 prohibited from disclosure under Section 45 of the Paint  
23 Stewardship Act.

24 (lll) (Reserved).

25 (mmm) ~~(iii)~~ Information prohibited from being  
26 disclosed under subsection (e) of Section 1-129 of the

1 Illinois Power Agency Act.

2 (nnn) Information prohibited from being disclosed  
3 under Section 6-29 of the Liquor Control Act of 1934.

4 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
5 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
6 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
7 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
8 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
9 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;  
10 revised 1-2-24.)

11 (Text of Section after amendment by P.A. 103-472)

12 Sec. 7.5. Statutory exemptions. To the extent provided for  
13 by the statutes referenced below, the following shall be  
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25 Procedures Board or its staff relating to applications it

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21 death penalty prior to trial or sentencing.

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6 Regional Transportation Authority Act, or the St. Clair  
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17 team of experts under the Developmental Disability and  
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22 or received a concealed carry license under the Firearm  
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24 Firearm Concealed Carry Act; and databases under the  
25 Firearm Concealed Carry Act, records of the Concealed  
26 Carry Licensing Review Board under the Firearm Concealed

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3 (v-5) Records of the Firearm Owner's Identification  
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5 Section 10 of the Firearm Owners Identification Card Act.

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11 8-11-21 of the Illinois Municipal Code.

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13 Protective Services Act and its predecessor enabling  
14 statute, the Elder Abuse and Neglect Act, including  
15 information about the identity and administrative finding  
16 against any caregiver of a verified and substantiated  
17 decision of abuse, neglect, or financial exploitation of  
18 an eligible adult maintained in the Registry established  
19 under Section 7.5 of the Adult Protective Services Act.

20 (z) Records and information provided to a fatality  
21 review team or the Illinois Fatality Review Team Advisory  
22 Council under Section 15 of the Adult Protective Services  
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25 under Section 2.37 of the Wildlife Code.

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2 (cc) Recordings made under the Law Enforcement  
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7 Interest Community Ombudsperson Act.

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13 disclosed under Section 7-603.5 of the Illinois Vehicle  
14 Code.

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19 the Civil Administrative Code of Illinois.

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21 submitted to the Department of Labor by registering day  
22 and temporary labor service agencies but are exempt from  
23 disclosure under subsection (a-1) of Section 45 of the Day  
24 and Temporary Labor Services Act.

25 (kk) Information prohibited from disclosure under the  
26 Seizure and Forfeiture Reporting Act.



1           (ll) Information the disclosure of which is restricted  
2           and exempted under Section 5-30.8 of the Illinois Public  
3           Aid Code.

4           (mm) Records that are exempt from disclosure under  
5           Section 4.2 of the Crime Victims Compensation Act.

6           (nn) Information that is exempt from disclosure under  
7           Section 70 of the Higher Education Student Assistance Act.

8           (oo) Communications, notes, records, and reports  
9           arising out of a peer support counseling session  
10           prohibited from disclosure under the First Responders  
11           Suicide Prevention Act.

12           (pp) Names and all identifying information relating to  
13           an employee of an emergency services provider or law  
14           enforcement agency under the First Responders Suicide  
15           Prevention Act.

16           (qq) Information and records held by the Department of  
17           Public Health and its authorized representatives collected  
18           under the Reproductive Health Act.

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21           (ss) Data reported by an employer to the Department of  
22           Human Rights pursuant to Section 2-108 of the Illinois  
23           Human Rights Act.

24           (tt) Recordings made under the Children's Advocacy  
25           Center Act, except to the extent authorized under that  
26           Act.

1 (uu) Information that is exempt from disclosure under  
2 Section 50 of the Sexual Assault Evidence Submission Act.

3 (vv) Information that is exempt from disclosure under  
4 subsections (f) and (j) of Section 5-36 of the Illinois  
5 Public Aid Code.

6 (ww) Information that is exempt from disclosure under  
7 Section 16.8 of the State Treasurer Act.

8 (xx) Information that is exempt from disclosure or  
9 information that shall not be made public under the  
10 Illinois Insurance Code.

11 (yy) Information prohibited from being disclosed under  
12 the Illinois Educational Labor Relations Act.

13 (zz) Information prohibited from being disclosed under  
14 the Illinois Public Labor Relations Act.

15 (aaa) Information prohibited from being disclosed  
16 under Section 1-167 of the Illinois Pension Code.

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18 by the Illinois Police Training Act and the Illinois State  
19 Police Act.

20 (ccc) Records exempt from disclosure under Section  
21 2605-304 of the Illinois State Police Law of the Civil  
22 Administrative Code of Illinois.

23 (ddd) Information prohibited from being disclosed  
24 under Section 35 of the Address Confidentiality for  
25 Victims of Domestic Violence, Sexual Assault, Human  
26 Trafficking, or Stalking Act.

1           (eee) Information prohibited from being disclosed  
2 under subsection (b) of Section 75 of the Domestic  
3 Violence Fatality Review Act.

4           (fff) Images from cameras under the Expressway Camera  
5 Act. This subsection (fff) is inoperative on and after  
6 July 1, 2025.

7           (ggg) Information prohibited from disclosure under  
8 paragraph (3) of subsection (a) of Section 14 of the Nurse  
9 Agency Licensing Act.

10          (hhh) Information submitted to the Illinois State  
11 Police in an affidavit or application for an assault  
12 weapon endorsement, assault weapon attachment endorsement,  
13 .50 caliber rifle endorsement, or .50 caliber cartridge  
14 endorsement under the Firearm Owners Identification Card  
15 Act.

16          (iii) Data exempt from disclosure under Section 50 of  
17 the School Safety Drill Act.

18          (jjj) ~~(hhh)~~ Information exempt from disclosure under  
19 Section 30 of the Insurance Data Security Law.

20          (kkk) ~~(iii)~~ Confidential business information  
21 prohibited from disclosure under Section 45 of the Paint  
22 Stewardship Act.

23          (lll) ~~(iii)~~ Data exempt from disclosure under Section  
24 2-3.196 of the School Code.

25          (mmm) ~~(iii)~~ Information prohibited from being  
26 disclosed under subsection (e) of Section 1-129 of the

1 Illinois Power Agency Act.

2 (nnn) Information prohibited from being disclosed  
3 under Section 6-29 of the Liquor Control Act of 1934.

4 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
5 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
6 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
7 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
8 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
9 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
10 103-580, eff. 12-8-23; revised 1-2-24.)

11 Section 10. The Liquor Control Act of 1934 is amended by  
12 changing Sections 3-12, 5-1, and 6-29 and by adding Sections  
13 1-3.45, 5-8, 7-3.5, and 7-15 as follows:

14 (235 ILCS 5/1-3.45 new)

15 Sec. 1-3.45. Third-party provider. "Third-party provider"  
16 means any entity that provides fulfillment house services,  
17 including warehousing, packaging, distribution, order  
18 processing, or shipment of wine, but not the sale of wine, on  
19 behalf of a winery shipper.

20 (235 ILCS 5/3-12)

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

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

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

25                 In lieu of suspending or revoking a license or  
26                 registration, the commission may impose a fine, upon the

1 State Commission's determination and notice after hearing,  
2 that a licensee or registrant has violated any provision  
3 of this Act or any rule or regulation issued pursuant  
4 thereto and in effect for 30 days prior to such violation.

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

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

1 the destruction of the bottle of alcoholic liquor and a  
2 fine of up to \$50.

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

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

20 (3) To call upon other administrative departments of  
21 the State, county and municipal governments, county and  
22 city police departments and upon prosecuting officers for  
23 such information and assistance as it deems necessary in  
24 the performance of its duties.

25 (4) To recommend to local commissioners rules and  
26 regulations, not inconsistent with the law, for the

1 distribution and sale of alcoholic liquors throughout the  
2 State.

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

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

24 (5.2) Upon receipt of a complaint or upon having  
25 knowledge that any person is shipping alcoholic liquor  
26 into this State from a point outside of this State if the



1 shipment is in violation of this Act, to conduct an  
2 investigation. If, after conducting an investigation, the  
3 State Commission is satisfied that the alleged conduct  
4 occurred or is occurring, it may issue a cease and desist  
5 notice as provided in this Act, impose civil penalties as  
6 provided in this Act, notify the foreign jurisdiction, or  
7 file a complaint with the State's Attorney's Office of the  
8 county where the incident occurred or the Attorney  
9 General.

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

26 (5.4) To make arrests and issue notices of civil

1 violations where necessary for the enforcement of this  
2 Act.

3 (5.5) To investigate any and all unlicensed or  
4 unregistered activity.

5 (5.6) To impose civil penalties or fines to any person  
6 who, without holding a valid license or registration,  
7 engages in conduct that requires a license or registration  
8 pursuant to this Act, in an amount not to exceed \$20,000  
9 for each offense as determined by the State Commission. A  
10 civil penalty shall be assessed by the State Commission  
11 after a hearing is held in accordance with the provisions  
12 set forth in this Act regarding the provision of a hearing  
13 for the revocation or suspension of a license or  
14 registration.

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

21 (7) The State Commission shall establish uniform  
22 systems of accounts to be kept by all retail licensees  
23 having more than 4 employees, and for this purpose the  
24 State Commission may classify all retail licensees having  
25 more than 4 employees and establish a uniform system of  
26 accounts for each class and prescribe the manner in which

1 such accounts shall be kept. The State Commission may also  
2 prescribe the forms of accounts to be kept by all retail  
3 licensees having more than 4 employees, including, but not  
4 limited to, accounts of earnings and expenses and any  
5 distribution, payment, or other distribution of earnings  
6 or assets, and any other forms, records, and memoranda  
7 which in the judgment of the commission may be necessary  
8 or appropriate to carry out any of the provisions of this  
9 Act, including, but not limited to, such forms, records,  
10 and memoranda as will readily and accurately disclose at  
11 all times the beneficial ownership of such retail licensed  
12 business. The accounts, forms, records, and memoranda  
13 shall be available at all reasonable times for inspection  
14 by authorized representatives of the State Commission or  
15 by any local liquor control commissioner or his or her  
16 authorized representative. The commission may, from time  
17 to time, alter, amend, or repeal, in whole or in part, any  
18 uniform system of accounts, or the form and manner of  
19 keeping accounts.

20 (8) In the conduct of any hearing authorized to be  
21 held by the State Commission, to appoint, at the  
22 commission's discretion, hearing officers to conduct  
23 hearings involving complex issues or issues that will  
24 require a protracted period of time to resolve, to  
25 examine, or cause to be examined, under oath, any licensee  
26 or registrant, and to examine or cause to be examined the

1 books and records of such licensee or registrant; to hear  
2 testimony and take proof material for its information in  
3 the discharge of its duties hereunder; to administer or  
4 cause to be administered oaths; for any such purpose to  
5 issue subpoena or subpoenas to require the attendance of  
6 witnesses and the production of books, which shall be  
7 effective in any part of this State, and to adopt rules to  
8 implement its powers under this paragraph (8).

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

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

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

25 (11) To develop industry educational programs related  
26 to responsible serving and selling, particularly in the

1 areas of overserving consumers and illegal underage  
2 purchasing and consumption of alcoholic beverages.

3 (11.1) To license persons providing education and  
4 training to alcohol beverage sellers and servers for  
5 mandatory and non-mandatory training under the Beverage  
6 Alcohol Sellers and Servers Education and Training  
7 (BASSET) programs and to develop and administer a public  
8 awareness program in Illinois to reduce or eliminate the  
9 illegal purchase and consumption of alcoholic beverage  
10 products by persons under the age of 21. Application for a  
11 license shall be made on forms provided by the State  
12 Commission.

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

15 (13) (Blank).

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

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

26 (B) The amount of licensing fees received.

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

4           (D) The number of alcohol compliance operations  
5           conducted.

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

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

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

25          (16) The State Commission shall, in addition to  
26          notifying any appropriate law enforcement agency, submit

1 notices of complaints or violations of Sections 6-29 and  
2 6-29.1 by persons who do not hold a winery shipper's  
3 license under this Act to the Illinois Attorney General  
4 and to the U.S. Department of Treasury's Alcohol and  
5 Tobacco Tax and Trade Bureau.

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

22 (B) In the application, which shall be sworn under  
23 penalty of perjury, such person shall state (1) the date  
24 it was established; (2) its volume of production and sales  
25 for each year since its establishment; (3) its efforts to  
26 establish distributor relationships; (4) that a

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

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

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



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

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

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

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

18 (H) It is the intent of this paragraph (17) to promote  
19 and continue orderly markets. The General Assembly finds  
20 that, in order to preserve Illinois' regulatory  
21 distribution system, it is necessary to create an  
22 exception for smaller makers of wine as their wines are  
23 frequently adjusted in varietals, mixes, vintages, and  
24 taste to find and create market niches sometimes too small  
25 for distributor or importing distributor business  
26 strategies. Limited self-distribution rights will afford

1 and allow smaller makers of wine access to the marketplace  
2 in order to develop a customer base without impairing the  
3 integrity of the 3-tier system.

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

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

24 (C) Any application submitted shall be posted on the  
25 State Commission's website at least 45 days prior to  
26 action by the State Commission. The State Commission shall

1 approve the application for a self-distribution exemption  
2 if the class 1 brewer licensee: (1) is in compliance with  
3 the State, revenue, and alcoholic beverage laws; (2) is  
4 not a member of any affiliated group that manufactures,  
5 directly or indirectly, more than 930,000 gallons of beer  
6 per annum, 25,000 gallons of wine per annum, or 50,000  
7 gallons of spirits per annum; (3) shall not annually  
8 manufacture for sale more than 930,000 gallons of beer,  
9 25,000 gallons of wine, or 50,000 gallons of spirits; (4)  
10 shall not annually sell more than 232,500 gallons of its  
11 beer to retail licensees and class 3 brewers and to  
12 brewers, class 1 brewers, and class 2 brewers that,  
13 pursuant to subsection (e) of Section 6-4 of this Act,  
14 sell beer, cider, mead, or any combination thereof to  
15 non-licensees at their breweries; and (5) has relinquished  
16 any brew pub license held by the licensee, including any  
17 ownership interest it held in the licensed brew pub.

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

1 manufacture of 930,000 gallons of beer, 25,000 gallons of  
2 wine, or 50,000 gallons of spirits in any calendar year or  
3 became part of an affiliated group manufacturing more than  
4 930,000 gallons of beer, 25,000 gallons of wine, or 50,000  
5 gallons of spirits.

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

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

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

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

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

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

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

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

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

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

25 (G) It is the intent of this paragraph (19) to promote  
26 and continue orderly markets. The General Assembly finds

1 that in order to preserve Illinois' regulatory  
2 distribution system, it is necessary to create an  
3 exception for smaller manufacturers in order to afford and  
4 allow such smaller manufacturers of spirits access to the  
5 marketplace in order to develop a customer base without  
6 impairing the integrity of the 3-tier system.

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

21 (B) In the application, which shall be sworn under  
22 penalty of perjury, the class 3 brewer licensee shall  
23 state:

24 (1) the date it was established;

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

1           (3) its efforts to establish distributor  
2 relationships;

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

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

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



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

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

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

1 reasonable time not to exceed 60 days.

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

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

16 As part of its report, the Commission shall provide the  
17 following information:

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

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

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

1 (Source: P.A. 101-37, eff. 7-3-19; 101-81, eff. 7-12-19;  
2 101-482, eff. 8-23-19; 102-442, eff. 8-20-21; 102-558, eff.  
3 8-20-21; 102-813, eff. 5-13-22.)

4 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

17 (d) Retailer's license,

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

19 (f) Railroad license,

20 (g) Boat license,

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

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

23 (j) Airplane license,

24 (k) Foreign importer's license,

25 (l) Broker's license,

- 1 (m) Non-resident dealer's license,
- 2 (n) Brew Pub license,
- 3 (o) Auction liquor license,
- 4 (p) Caterer retailer license,
- 5 (q) Special use permit license,
- 6 (r) Winery shipper's license,
- 7 (s) Craft distiller tasting permit,
- 8 (t) Brewer warehouse permit,
- 9 (u) Distilling pub license,
- 10 (v) Craft distiller warehouse permit,
- 11 (w) Beer showcase permit.

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

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

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

24 Class 2. A Rectifier, who is not a distiller, as defined  
25 herein, may make sales and deliveries of alcoholic liquor to  
26 rectifiers, importing distributors, distributors, retailers

1 and non-beverage users and to no other licensees.

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

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

1 gallons of spirits per year. A first-class wine-manufacturer  
2 shall be permitted to sell wine manufactured at the  
3 first-class wine-manufacturer premises to non-licensees.

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

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

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

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

1 current license, a class 2 craft distiller license, shall not  
2 manufacture more than 100,000 gallons of spirits per year, and  
3 shall not be a member of or affiliated with, directly or  
4 indirectly, a manufacturer that produces more than 100,000  
5 gallons of spirits per year.

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

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

19 Class 10. A class 1 craft distiller license, which may  
20 only be issued to a licensed craft distiller or licensed  
21 non-resident dealer, shall allow the manufacture of up to  
22 50,000 gallons of spirits per year provided that the class 1  
23 craft distiller licensee does not manufacture more than a  
24 combined 50,000 gallons of spirits per year and is not a member  
25 of or affiliated with, directly or indirectly, a manufacturer  
26 that produces more than 50,000 gallons of spirits per year. If



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

22 A class 1 craft distiller licensee may sell up to 5,000  
23 gallons of such spirits to non-licensees to the extent  
24 permitted by any exemption approved by the State Commission  
25 pursuant to Section 6-4 of this Act. A class 1 craft distiller  
26 license holder may store such spirits at a non-contiguous

1 licensed location, but at no time shall a class 1 craft  
2 distiller license holder directly or indirectly produce in the  
3 aggregate more than 50,000 gallons of spirits per year.

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

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

1 3,720,000 gallons of beer per year. If a class 2 craft  
2 distiller manufactures wine, it shall also obtain and shall  
3 only be eligible for, in addition to any current license, a  
4 second-class wine-maker's license, shall not manufacture more  
5 than 150,000 gallons of wine per year, and shall not be a  
6 member of or affiliated with, directly or indirectly, a  
7 manufacturer that produces more than 150,000 gallons of wine  
8 per year. A class 2 craft distiller licensee may make sales and  
9 deliveries to importing distributors and distributors, but  
10 shall not make sales or deliveries to any other licensee. If  
11 the State Commission provides prior approval, a class 2 craft  
12 distiller licensee may annually transfer up to 100,000 gallons  
13 of spirits manufactured by that class 2 craft distiller  
14 licensee to the premises of a licensed class 2 craft distiller  
15 wholly owned and operated by the same licensee. A class 2 craft  
16 distiller may transfer spirits to a distilling pub wholly  
17 owned and operated by the class 2 craft distiller subject to  
18 the following limitations and restrictions: (i) the transfer  
19 shall not annually exceed more than 5,000 gallons; (ii) the  
20 annual amount transferred shall reduce the distilling pub's  
21 annual permitted production limit; (iii) all spirits  
22 transferred shall be subject to Article VIII of this Act; (iv)  
23 a written record shall be maintained by the distiller and  
24 distilling pub specifying the amount, date of delivery, and  
25 receipt of the product by the distilling pub; and (v) the  
26 distilling pub shall be located no farther than 80 miles from

1 the class 2 craft distiller's licensed location.

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

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

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

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

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

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

20 A class 2 brewer may transfer beer to a brew pub wholly  
21 owned and operated by the class 2 brewer subject to the  
22 following limitations and restrictions: (i) the transfer shall  
23 not annually exceed more than 31,000 gallons; (ii) the annual  
24 amount transferred shall reduce the brew pub's annual  
25 permitted production limit; (iii) all beer transferred shall  
26 be subject to Article VIII of this Act; (iv) a written record

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

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

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

1 paragraph (20) of subsection (a) of Section 3-12. If the State  
2 Commission provides prior approval, a class 3 brewer may  
3 annually transfer up to 155,000 gallons of beer manufactured  
4 by that class 3 brewer to the premises of a licensed class 3  
5 brewer wholly owned and operated by the same licensee. A class  
6 3 brewer shall manufacture beer at the brewer's class 3  
7 designated licensed premises, and may sell beer as otherwise  
8 provided in this Act.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (h) A non-beverage user's license shall allow the licensee  
26 to purchase alcoholic liquor from a licensed manufacturer or

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

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

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

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

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



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

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

1 (iii) the foreign importer complies with the provisions of  
2 Sections 6-5 and 6-6 of this Act to the same extent that these  
3 provisions apply to manufacturers.

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

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

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

25 (ii) A broker's license shall be required of a person  
26 within this State, other than a retail licensee, who, for a fee

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

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

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

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

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

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

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

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

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

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

25 Notwithstanding any other provision of this Act, a  
26 licensed brewer, class 2 brewer, or non-resident dealer who

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

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

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

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

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

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

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

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

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

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

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

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



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

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

22 A special use permit license shall allow the holder to  
23 transfer any inventory from the holder's special use premises  
24 to its retail premises at the conclusion of the special use  
25 event or engage a distributor or importing distributor to  
26 transfer any inventory from the holder's special use premises

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

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

23 (r) A winery shipper's license shall allow a person with a  
24 first-class or second-class wine manufacturer's license, a  
25 first-class or second-class wine-maker's license, or a limited  
26 wine manufacturer's license or who is licensed to make wine

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

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

14 Except for a common carrier, a third-party provider  
15 shipping wine on behalf of a winery shipper's license holder  
16 is the agent of the winery shipper's license holder and, as  
17 such, a winery shipper's license holder is responsible for the  
18 acts and omissions of the third-party provider acting on  
19 behalf of the license holder. A winery shipper's use of the  
20 services of a third-party provider does not relieve the winery  
21 shipper of any obligation under this Act or any rule adopted  
22 under this Act. A third-party provider, ~~except for a common~~  
23 ~~carrier,~~ that engages in shipping wine into Illinois must  
24 comply with Section 5-8 and ~~on behalf of a winery shipper's~~  
25 ~~license holder shall~~ consent to the jurisdiction of the State  
26 Commission and the State. ~~Any third party, except for a common~~

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

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

10 ~~(2) the quantity of the products delivered; and~~

11 ~~(3) the date and address of the shipment.~~

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

1 ~~Class C misdemeanor. In case of a continuing violation, each~~  
2 ~~day's continuance thereof shall be a separate and distinct~~  
3 ~~offense.~~

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

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

1 by the winery shipper and shipped to persons in this State, the  
2 winery shipper's license shall be revoked in accordance with  
3 the provisions of Article VII of this Act.

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

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

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

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

1 of Section 6-31 of this Act. The transferred alcoholic liquor  
2 may not be sold or resold in any form. An applicant for the  
3 craft distiller tasting permit license must also submit with  
4 the application proof satisfactory to the State Commission  
5 that the applicant will provide dram shop liability insurance  
6 to the maximum limits and have local authority approval.

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

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



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

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

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

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

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

1 and have local authority approval. The State Commission shall  
2 require the beer showcase applicant to comply with Section  
3 6-27.1.

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

8 (235 ILCS 5/5-8 new)

9 Sec. 5-8. Third-party provider registration.

10 (a) A third-party provider must register with the State  
11 Commission before shipping wine into this State. Registration  
12 as a third-party provider is valid for a 2-year period and may  
13 be renewed. The application for registration as a third-party  
14 provider must include:

15 (1) each address from which the third-party provider  
16 will ship wine to a consumer;

17 (2) the name, business address, and license number of  
18 each winery shipper, with the name stated as it appears on  
19 the winery shipper license, on whose behalf the  
20 third-party provider will ship wine to a consumer; and

21 (3) any other information the State Commission may  
22 require.

23 (b) To register as a third-party provider, the third-party  
24 provider must pay a \$50 fee and agree to:

25 (1) allow the State Commission to inspect and audit

1 its records under subsection (e);

2 (2) allow the State Commission to inspect a location  
3 under Section 3-12;

4 (3) appoint and maintain an agent for service of  
5 process under subsection (g); and

6 (4) submit to the jurisdiction of the State  
7 Commission, the courts, and any other enforcement  
8 authority of this State in a matter relating to  
9 enforcement of a law of this State regulating shipment of  
10 wine to a person in this State.

11 (c) A third-party provider may ship wine on behalf of a  
12 winery shipper to a consumer only if:

13 (1) the third-party provider maintains a registration  
14 under this Section that is not suspended, revoked, or  
15 canceled;

16 (2) the wine was supplied to the third-party provider  
17 by a licensed winery shipper;

18 (3) the package containing the wine clearly indicates:

19 (A) on the shipping label, the name and applicable  
20 address of the third-party provider, as they appear in  
21 the registration under this Section, as consignor, and  
22 the name and address of the consumer, as intended  
23 recipient;

24 (B) on the package or shipping label, the name and  
25 winery shipper's license number of the licensed winery  
26 shipper that supplied to the third-party provider the

1           wine contained in the package; and  
2           (4) the shipment is otherwise authorized under this  
3           Act.

4           (d) A registered third-party provider is subject to the  
5           jurisdiction of the State Commission, the courts, and any  
6           other enforcement authority of this State in a matter relating  
7           to the enforcement of the laws of this State regulating  
8           shipment of alcoholic liquor directly to a person in this  
9           State.

10          (e) The State Commission may inspect and audit the records  
11          of a registered third-party provider for compliance with the  
12          laws of this State regulating shipment of wine directly to a  
13          person in this State. A registered third-party provider shall  
14          allow the State Commission to inspect and audit its records  
15          and, at the State Commission's request in a record, provide  
16          complete and accurate copies of its records to the State  
17          Commission at a location specified by the State Commission,  
18          not later than 15 days after the date of the request.

19          (f) The State Commission may inspect, during ordinary  
20          hours of operation, a location where a registered third-party  
21          provider conducts business to assess compliance with the laws  
22          of this State regulating shipment of alcoholic liquor directly  
23          to a person in this State.

24          (g) A registered third-party provider shall appoint and  
25          continuously maintain with the State Commission an agent for  
26          service of process. The agent may be located in this State or

1 another state. By appointing an agent under this subsection,  
2 the registered third-party provider affirms that the agent  
3 consents to accept service. Service of process on the agent  
4 constitutes valid service of process on the registered  
5 third-party provider in an action or proceeding arising out of  
6 enforcement of law of this State regulating shipment of wine  
7 directly to a person in this State. If a registered  
8 third-party provider fails to maintain in the records of the  
9 State Commission a current agent for service of process or if  
10 the current agent cannot be served with reasonable diligence,  
11 the State Commission is the agent for service of process.

12 (h) The State Commission may disclose a report, record,  
13 order, or other information in its possession, for a  
14 regulatory or enforcement purpose, to:

15 (1) a State agency or law enforcement agency;

16 (2) a local or state agency in another state with  
17 regulatory authority over matters relating to alcoholic  
18 liquor or taxation or a law enforcement agency of another  
19 state; and

20 (3) a federal agency with regulatory authority  
21 relating to alcoholic liquor or taxation or a federal law  
22 enforcement agency.

23 (i) The State Commission may disclose to the public an  
24 order resulting from a completed investigation.

1           Sec. 6-29. Winery shipper's license.

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

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

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

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

24           (4) To ensure that the General Assembly, by  
25 authorizing limited direct shipment of wine to meet the  
26 directives of the United States Supreme Court, does not

1 intend to impair or modify the State's distribution of  
2 wine through distributors or importing distributors, but  
3 only to permit limited shipment of wine for personal use.

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

13 (a-5) In this Section, "carrier" means a person or entity  
14 that:

15 (1) holds himself, herself, or itself out to the  
16 general public as engaged in the business of transporting  
17 goods for a fee; and

18 (2) is engaged in the business of transporting and  
19 delivering alcoholic beverages in this State directly to  
20 consumers.

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

25 (b-3) Notwithstanding any other provision of law, sale and  
26 shipment by a winery shipper licensee pursuant to this Section



1 shall be deemed to constitute a sale in this State.

2 (b-5) The shipping container of any wine shipped under  
3 this Section shall be clearly labeled with the following  
4 words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF  
5 AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY  
6 MUST BE SHOWN BEFORE DELIVERY.". This warning must be  
7 prominently displayed on the packaging. A licensee shall  
8 require the transporter or common carrier that delivers the  
9 wine to obtain the signature of a person 21 years of age or  
10 older at the delivery address at the time of delivery. At the  
11 expense of the licensee, the licensee shall receive a delivery  
12 confirmation from the express company, common carrier, or  
13 contract carrier indicating the location of the delivery, time  
14 of delivery, and the name and signature of the individual 21  
15 years of age or older who accepts delivery. The State  
16 Commission shall design and create a label or approve a label  
17 that must be affixed to the shipping container by the  
18 licensee.

19 (b-10) A carrier may not deliver to a consumer a package  
20 known by the carrier to contain wine unless:

21 (1) the consignor is a licensed winery shipper and the  
22 carrier has verified its winery shipper license for the  
23 current license period; or

24 (2) the consignor is a registered third-party provider  
25 and the carrier has verified the registration.

26 A carrier that verifies that a winery shipper has a winery

1 shipper license for the current license period may consider  
2 the license to be valid for the remainder of the license  
3 period, unless the carrier receives notice from the State  
4 Commission that the license has been suspended or revoked. A  
5 carrier that verifies that a third-party provider is  
6 registered may consider the registration to be valid unless  
7 the carrier receives notice from the State Commission that the  
8 registration has been suspended or revoked.

9 (b-15) A registered third-party provider shall file with  
10 the State Commission a monthly report that includes:

11 (1) the name, business address, and registration  
12 number of the third-party provider;

13 (2) the total number of gallons of wine shipped to  
14 consumers by the third-party provider during the reporting  
15 period; and

16 (3) for each shipment of wine to a consumer during the  
17 reporting period:

18 (A) the name, business address, and license number  
19 of the winery shipper on whose behalf the third-party  
20 provider shipped the wine, with the name stated, if  
21 possible, as it appears on the winery shipper license;

22 (B) the name and address of the consumer to whom  
23 the wine was shipped;

24 (C) the address from which the third-party  
25 provider originated the shipment, stated identically  
26 as an address provided by the third-party provider

1 under paragraph (1) of subsection (a) of Section 5-8;

2 (D) the date the shipment was delivered;

3 (E) the type and quantity by volume of wine  
4 shipped; and

5 (F) the name and business address of the carrier  
6 that delivered the wine and the carrier's parcel  
7 tracking number for the shipment.

8 If no business was transacted in this State during the  
9 reporting period, a report under this subsection must include  
10 the information under paragraph (1) and report that no  
11 business was transacted in this State during the reporting  
12 period.

13 Any books, records, supporting papers, and documents  
14 containing information and data relating to a statement under  
15 this subsection shall be kept and preserved for a period of 3  
16 years, unless their destruction is authorized sooner in  
17 writing by the Director of Revenue, and shall be open and  
18 available to inspection by the Director of Revenue or the  
19 State Commission or any duly authorized officer, agent, or  
20 employee of the State Commission or the Department of Revenue,  
21 at all times during business hours of the day. Any person who  
22 violates any provision of this subsection or any rule of the  
23 State Commission for the administration and enforcement of the  
24 provisions of this subsection is guilty of a Class C  
25 misdemeanor. In case of a continuing violation, each day's  
26 continuance thereof shall be a separate and distinct offense.

1           (b-20) A licensed winery shipper shall file with the State  
2 Commission a monthly report that includes:

3           (1) the name, business address, and license number of  
4 the licensed winery shipper;

5           (2) the total gallons of each type of wine shipped to  
6 consumers during the reporting period; and

7           (3) for each shipment of wine to a consumer during the  
8 reporting period:

9           (A) the name and address of the consumer to whom  
10 the wine was shipped;

11           (B) the date the shipment was delivered;

12           (C) the type and quantity by volume of wine  
13 shipped;

14           (D) the purchase price of the wine shipped and the  
15 amount and type of each tax charged in connection with  
16 the wine;

17           (E) if the wine was shipped for the licensed  
18 winery shipper by a third-party provider, the name,  
19 business address, and registration number of the  
20 third-party provider, with the name stated, if  
21 possible, as it appears on the third-party provider's  
22 registration; and

23           (F) if the wine was delivered by a carrier, the  
24 name and business address of the carrier and the  
25 carrier's parcel tracking number for the shipment.

26 If no business was transacted in this State during the

1 reporting period, a report under this subsection must include  
2 the information under paragraph (1) and report that no  
3 business was transacted in this State during the reporting  
4 period.

5 (b-25) A carrier shall file with the State Commission a  
6 monthly report that includes:

7 (1) the name and business address of the carrier;

8 (2) a list containing the name, business address, and  
9 winery shipper license number or third-party provider  
10 registration number of each licensed winery shipper and  
11 registered third-party provider with which the carrier has  
12 an agreement to ship wine, with the name stated, if  
13 possible, as it appears on the winery shipper license or  
14 third-party provider registration; and

15 (3) for each shipment known by the carrier to contain  
16 wine that was delivered to a consumer during the reporting  
17 period:

18 (A) the name and business address of the consignor  
19 of the shipment;

20 (B) the name and address of the consumer;

21 (C) the date the shipment was delivered by the  
22 carrier;

23 (D) the weight, in pounds, of the package; and

24 (E) the carrier's parcel tracking number for the  
25 shipment.

26 If no business was transacted in this State during the

1 reporting period, a report under this subsection must include  
2 the information under paragraph (1) and report that no  
3 business was transacted in this State during the reporting  
4 period.

5 (b-30) The State Commission shall prescribe the form and  
6 deadline for filing a report under this Section. The State  
7 Commission may require the report to be filed electronically.  
8 The State Commission may require a person filing the report to  
9 submit additional information, including business records, to  
10 substantiate information in the report.

11 (b-35) Except as provided in subsection (b-40), reports  
12 filed under this Section and information obtained from the  
13 report, records inspected or obtained by the State Commission  
14 under subsection (e) of Section 5-8, and other information  
15 obtained by the State Commission relating to enforcement or  
16 investigation of a violation of this Act are confidential,  
17 exempt from disclosure under the Freedom of Information Act,  
18 and exempt from public inspection.

19 (b-40) The State Commission may disclose a report under  
20 this Section or information from the report:

21 (1) if reasonably necessary to enforce or implement  
22 this Act or other law of this State relating to the  
23 shipment of alcoholic liquor directly to individuals in  
24 this State; or

25 (2) as a compilation of aggregated data if personally  
26 identifiable information is not disclosed.

1       The State Commission may disclose to a carrier the  
2 information specified under paragraph (3) of subsection (b-15)  
3 and information specified under paragraph (2) of subsection  
4 (a) of Section 5-8.

5       (b-42) A carrier shipping wine into or within this State  
6 shall appoint and continuously maintain with the State  
7 Commission an agent for service of process. The agent may be  
8 located in this State or another state. By appointing an agent  
9 under this subsection, the carrier affirms that the agent  
10 consents to accept service. Service of process on the agent  
11 constitutes valid service of process on the carrier in an  
12 action or proceeding arising out of enforcement of law of this  
13 State regulating shipment of wine directly to a person in this  
14 State. If a carrier fails to maintain in the records of the  
15 State Commission a current agent for service of process or if  
16 the current agent cannot be served with reasonable diligence,  
17 the State Commission is the agent for service of process.

18       (b-45) If the State Commission has reason to believe that  
19 alcoholic liquor has been shipped unlawfully into or within  
20 this State, the State Commission may give notice to the  
21 consignor requiring the consignor to show cause why shipments  
22 by the consignor into or within this State should not be  
23 prohibited. If the State Commission, after an opportunity for  
24 an evidentiary hearing, determines that the consignor shipped  
25 alcoholic liquor into or within this State unlawfully, the  
26 State Commission may issue an administrative order prohibiting

1 additional shipments by the consignor of alcoholic liquor into  
2 or within this State.

3 (b-50) The State Commission may give notice to a carrier  
4 of the administrative order under subsection (b-45). Except as  
5 provided in subsection (b-60), beginning 10 days after the  
6 date of the notice, and until the carrier receives notice that  
7 the administrative order is rescinded, the carrier may not  
8 accept from the consignor identified in the notice, for  
9 shipment into or within this State, a package known by the  
10 carrier to contain wine.

11 (b-55) For good cause, the State Commission may rescind an  
12 administrative order issued under subsection (b-45). On  
13 rescinding the order, the State Commission shall give notice  
14 of the rescission to each carrier that received notice under  
15 subsection (b-50) of the order.

16 (b-60) The State Commission may not hold a hearing under  
17 subsection (a) less than 30 days after the date of the notice  
18 requiring the consignor to show cause unless:

19 (1) the consignor agrees to an earlier hearing date;  
20 or  
21 (2) the notice describes with particularity how the  
22 consignor's alleged unlawful shipment poses a serious risk  
23 to public health or safety.

24 (b-65) If the notice includes a description under  
25 paragraph (2) of subsection (b-60) and the State Commission  
26 issues an administrative order under subsection (a):



1           (1) the order must identify the risk; and  
2           (2) the State Commission's notice under subsection  
3           (b-45) to a carrier must require the carrier to implement  
4           the order as soon as possible.

5           (b-70) An administrative order issued under subsection (a)  
6           is subject to judicial review under the Administrative Review  
7           Law.

8           (b-75) This amendatory Act of the 103rd General Assembly  
9           modifies, limits, or supersedes the Electronic Signatures in  
10           Global and National Commerce Act, 15 U.S.C. Section 7001 et  
11           seq., as amended, but does not modify, limit, or supersede 15  
12           U.S.C. Section 7001(c), or authorize electronic delivery of  
13           any of the notices described in 15 U.S.C. Section 7003(b).

14           (c) No broker within this State shall solicit consumers to  
15           engage in direct wine shipments under this Section.

16           (d) It is not the intent of this Section to impair the  
17           distribution of wine through distributors or importing  
18           distributors, but only to permit shipments of wine for  
19           personal use.

20           (Source: P.A. 95-634, eff. 6-1-08.)

21           (235 ILCS 5/7-3.5 new)

22           Sec. 7-3.5. Suspension, revocation, or nonrenewal of  
23           license for unlawful shipping into another state.

24           (a) Notwithstanding subsection (b) of Section 10-1, the  
25           State Commission may suspend, revoke, or refuse to issue or

1 renew a license to manufacture, distribute, or sell alcoholic  
2 liquor issued by the State Commission if the State Commission  
3 finds, after notice and an opportunity for an evidentiary  
4 hearing, that the person holding the license has shipped  
5 alcoholic liquor into another state in violation of that  
6 state's law.

7 (b) The State Commission may not suspend, revoke, or  
8 refuse to issue or renew a license issued by the State  
9 Commission under subsection (a) if the person holding the  
10 license shows that:

11 (1) the violation of the other state's law is the  
12 subject of an enforcement action in the other state that  
13 is pending before an administrative body or trial or  
14 appellate court in the other state;

15 (2) an enforcement action described in paragraph (1)  
16 has concluded in the other state and resulted in a  
17 determination that no violation of the other state's law  
18 occurred; or

19 (3) the violation of the other state's law occurred  
20 more than 2 years before the date of the notice under  
21 subsection (a).

22 (235 ILCS 5/7-15 new)

23 Sec. 7-15. Third-party provider registrations.  
24 Registrations as a third-party provider shall be governed  
25 under this Article in the same manner as licenses.

1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.