



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5182

Introduced 2/9/2024, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

235 ILCS 5/5-1	from Ch. 43, par. 115
235 ILCS 5/5-3	from Ch. 43, par. 118
235 ILCS 5/6-16	from Ch. 43, par. 131
235 ILCS 5/6-27.1	
235 ILCS 5/6-28.8	
235 ILCS 5/6-28.9 new	
235 ILCS 5/6-28.10 new	

Amends the Liquor Control Act of 1934. Creates a third-party retailer delivery license. Provides that a third-party retailer delivery license shall authorize a person who is not licensed to sell alcoholic liquor to deliver alcoholic liquor on behalf of a retailer licensee and to deliver alcoholic liquor on behalf of or at the request of an unlicensed purchaser of alcoholic liquor from a retailer licensee. Provides that a third-party retailer delivery license is not required for an employee or independent contractor of a person holding a third-party retailer delivery license or for an employee of a retailer licensee who is not an independent contractor of a retailer licensee. Provides that the issuance and regulation of a third-party retailer delivery license is under the exclusive jurisdiction of the Illinois Liquor Control Commission and does not require local approval prior to issuance by the State Commission. Preempts home rule powers. Sets forth fees for licensure and requirements for the delivery of alcoholic liquor by third-party retailer delivery licensees, including limitations on fees that may be charged, maintenance of an insurance policy, recordkeeping, labeling of alcoholic liquor, and verification that the recipient is 21 years of age or older. In a provision requiring alcohol servers to complete responsible alcohol service server training, adds a person who delivers alcoholic liquor on behalf of a third-party retailer delivery licensee to the definition of "alcohol server". Makes changes in provisions authorizing the delivery and carry out of mixed drinks. In a provision concerning prohibited possession and delivery of alcoholic liquor, removes an exemption from the provisions for persons under the age of 21 making a delivery of an alcoholic beverage in pursuance of his or her employment.

LRB103 39435 RPS 69626 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 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 5-1, 5-3, 6-16, 6-27.1, and 6-28.8 and by
6 adding Sections 6-28.9 and 6-28.10 as follows:

7 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

18 (b) Distributor's license,

19 (c) Importing Distributor's license,

20 (d) Retailer's license,

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

22 (f) Railroad license,

23 (g) Boat license,

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

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

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

26 Class 1. A Distiller may make sales and deliveries of

1 alcoholic liquor to distillers, rectifiers, importing
2 distributors, distributors and non-beverage users and to no
3 other licensees.

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

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

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

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

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

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

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

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

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

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

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

25 Class 10. A class 1 craft distiller license, which may
26 only be issued to a licensed craft distiller or licensed

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

1 gallons per year.

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

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

19 Class 11. A class 2 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
22 100,000 gallons of spirits per year provided that the class 2
23 craft distiller licensee does not manufacture more than a
24 combined 100,000 gallons of spirits per year and is not a
25 member of or affiliated with, directly or indirectly, a
26 manufacturer that produces more than 100,000 gallons of

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

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

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

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

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

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

24 Class 13. A class 2 brewer license, which may only be
25 issued to a licensed brewer or licensed non-resident dealer,
26 shall allow the manufacture of up to 3,720,000 gallons of beer

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

26 A class 2 brewer may transfer beer to a brew pub wholly

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

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

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

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

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

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

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

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

1 No person licensed as a distributor shall be granted a
2 non-resident dealer's license.

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

22 (d) A retailer's license shall allow the licensee to sell
23 and offer for sale at retail, only in the premises specified in
24 the license, alcoholic liquor for use or consumption, but not
25 for resale in any form. Except as provided in Section 6-16,
26 6-29, or 6-29.1, nothing in this Act shall deny, limit,

1 remove, or restrict the ability of a holder of a retailer's
2 license to transfer or ship alcoholic liquor to the purchaser
3 for use or consumption subject to any applicable local law or
4 ordinance. For the purposes of this Section, "shipping" means
5 the movement of alcoholic liquor from a licensed retailer to a
6 consumer via a common carrier. Except as provided in Section
7 6-16, 6-29, or 6-29.1 and subject to the delivery requirements
8 of Sections 6-28.9 and 6-28.10, nothing in this Act shall
9 deny, limit, remove, or restrict the ability of a holder of a
10 retailer's license to deliver alcoholic liquor to the
11 purchaser for use or consumption. The delivery shall be made
12 only within 12 hours from the time the alcoholic liquor leaves
13 the licensed premises of the retailer for delivery. For the
14 purposes of this Section, "delivery" means the movement of
15 alcoholic liquor purchased from a licensed retailer to a
16 consumer through the following methods:

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

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

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

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

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

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

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

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

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

26 Nothing in this Act prohibits an Illinois licensed

1 distributor from offering credit or a refund for unused,
2 salable alcoholic liquors to a holder of a special event
3 retailer's license or the special event retailer's licensee
4 from accepting the credit or refund of alcoholic liquors at
5 the conclusion of the event specified in the license.

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

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

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

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

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

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

1 of this Act.

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

23 (k) A foreign importer's license shall permit such
24 licensee to purchase alcoholic liquor from Illinois licensed
25 non-resident dealers only, and to import alcoholic liquor
26 other than in bulk from any point outside the United States and

1 to sell such alcoholic liquor to Illinois licensed importing
2 distributors and to no one else in Illinois; provided that (i)
3 the foreign importer registers with the State Commission every
4 brand of alcoholic liquor that it proposes to sell to Illinois
5 licensees during the license period, (ii) the foreign importer
6 complies with all of the provisions of Section 6-9 of this Act
7 with respect to registration of such Illinois licensees as may
8 be granted the right to sell such brands at wholesale, and
9 (iii) the foreign importer complies 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.

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

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

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

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

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

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

26 Any agent, representative, or person subject to

1 registration pursuant to subsection (a-1) of this Section
2 shall not be eligible to receive a broker's license.

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

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

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

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

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

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

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

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

26 (1) has a valid retail license on or before May 1,

1 2021;

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

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

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

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

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

26 Nothing in this Act prohibits a distributor or importing

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

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

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

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

1 satisfactory to the State Commission that the applicant will
2 provide dram shop liability insurance to the maximum limits
3 and have local authority approval.

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

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

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

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

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

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

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

- 11 (1) the name, address, and license number of the
12 winery shipper on whose behalf the shipment was made;
- 13 (2) the quantity of the products delivered; and
- 14 (3) the date and address of the shipment.

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

1 person who violates any provision of this paragraph or any
2 rule of the State Commission for the administration and
3 enforcement of the provisions of this paragraph is guilty of a
4 Class C misdemeanor. In case of a continuing violation, each
5 day's continuance thereof shall be a separate and distinct
6 offense.

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

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

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

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

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

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

22 (s) A craft distiller tasting permit license shall allow
23 an Illinois licensed class 1 craft distiller or class 2 craft
24 distiller to transfer a portion of its alcoholic liquor
25 inventory from its class 1 craft distiller or class 2 craft
26 distiller licensed premises to the premises specified in the

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

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

23 (u) A distilling pub license shall allow the licensee to
24 only (i) manufacture up to 5,000 gallons of spirits per year
25 only on the premises specified in the license, (ii) make sales
26 of the spirits manufactured on the premises or, with the

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

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

19 A person who holds a class 2 craft distiller license may
20 simultaneously hold a distilling pub license if the class 2
21 craft distiller (i) does not, under any circumstance, sell or
22 offer for sale spirits manufactured by the class 2 craft
23 distiller to retail licensees; (ii) does not hold more than 3
24 distilling pub licenses in this State; (iii) does not
25 manufacture more than a combined 100,000 gallons of spirits
26 per year, including the spirits manufactured at the distilling

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

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

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

1 license must also submit with the application proof
2 satisfactory to the State Commission that the applicant will
3 provide dram shop liability insurance to the maximum limits
4 and have local authority approval. The State Commission shall
5 require the beer showcase applicant to comply with Section
6 6-27.1.

7 (x) A third-party retailer delivery license shall
8 authorize a person who is not licensed to sell alcoholic
9 liquor to deliver alcoholic liquor on behalf of a retailer
10 licensee and to deliver alcoholic liquor on behalf of or at the
11 request of an unlicensed purchaser of alcoholic liquor from a
12 retailer licensee, subject to the provisions of Sections
13 6-28.9 and 6-29.10. A third-party retailer delivery license is
14 not required for an employee or independent contractor of a
15 person holding a third-party retailer delivery license or for
16 an employee of a retailer licensee who is not an independent
17 contractor of a retailer licensee. A third-party retailer
18 delivery licensee; a third-party retailer delivery licensee's
19 officers, owners, and directors; and any person affiliated
20 with the third-party retailer delivery licensee's ownership
21 may not hold a direct or indirect financial or beneficial
22 interest in any other business licensed under this Act. The
23 issuance and regulation of a third-party retailer delivery
24 license is under the exclusive jurisdiction of the State
25 Commission and does not require local approval prior to
26 issuance by the State Commission.

1 The issuance and regulation of third-party retailer
 2 delivery licenses is an exclusive power and function of the
 3 State. A home rule unit may not issue third-party retailer
 4 delivery licenses or regulate third-party retailer delivery
 5 licensees. This subsection is a denial and limitation of home
 6 rule powers and functions under subsection (h) of Section 6 of
 7 Article VII of the Illinois Constitution.

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

12 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

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

20	Online	Initial
21	renewal	license
22		or
23		non-online
24		renewal

25 For a manufacturer's license:

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

1	For a distributor's license		
2	(over 4,500,000 gallons, but		
3	under 11,250,000 gallons)	950	1,450
4	For a distributor's license		
5	(4,500,000 gallons or under) ..	300	450
6	For a non-resident dealer's license		
7	(500,000 gallons or over)		
8	or with self-distribution		
9	privileges	1,200	1,500
10	For a non-resident dealer's license		
11	(under 500,000 gallons)	250	350
12	For a wine-maker's premises		
13	license.....	250	500
14	For a winery shipper's license		
15	(under 250,000 gallons)	200	350
16	For a winery shipper's license		
17	(250,000 or over, but		
18	under 500,000 gallons)	750	1,000
19	For a winery shipper's license		
20	(500,000 gallons or over)	1,200	1,500
21	For a wine-maker's premises		
22	license, second location	500	1,000
23	For a wine-maker's premises		
24	license, third location.....	500	1,000
25	For a retailer's license	600	750
26	For a special event retailer's		

1	license, (not-for-profit).....	25	25
2	For a beer showcase permit,		
3	one day only	100	150
4	2 days or more	150	250
5	For a special use permit license,		
6	one day only	100	150
7	2 days or more	150	250
8	For a railroad license	100	150
9	For a boat license	500	1,000
10	For an airplane license, times the		
11	licensee's maximum number of		
12	aircraft in flight, serving		
13	liquor over the State at any		
14	given time, which either		
15	originate, terminate, or make		
16	an intermediate stop in		
17	the State.....	100	150
18	For a non-beverage user's license:		
19	Class 1.....	24	24
20	Class 2.....	60	60
21	Class 3.....	120	120
22	Class 4.....	240	240
23	Class 5.....	600	600
24	For a broker's license	750	1,000
25	For an auction liquor license	100	150
26	For a homebrewer special		

1	event permit	25	25
2	For a craft distiller		
3	tasting permit	25	25
4	For a BASSET trainer license	300	350
5	For a tasting representative		
6	license.....	200	300
7	For a brewer warehouse permit	25	25
8	For a craft distiller		
9	warehouse permit	25	25
10	<u>For a third-party retailer</u>		
11	<u>delivery license</u>	<u>1,500</u>	<u>1,750</u>

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

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

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

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

1 medicinal, mechanical, or scientific.

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

4 (Source: P.A. 102-442, eff. 8-20-21; 102-558, eff. 8-20-21;
5 102-699, eff. 4-19-22; 102-1142, eff. 2-17-23; 103-154, eff.
6 6-30-23; revised 9-5-23.)

7 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

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

9 (a) (i) No licensee nor any officer, associate, member,
10 representative, agent, or employee of such licensee shall
11 sell, give, or deliver alcoholic liquor to any person under
12 the age of 21 years or to any intoxicated person, except as
13 provided in Section 6-16.1. (ii) No express company, common
14 carrier, or contract carrier nor any representative, agent, or
15 employee on behalf of an express company, common carrier, or
16 contract carrier that carries or transports alcoholic liquor
17 for delivery within this State shall knowingly give or
18 knowingly deliver to a residential address any shipping
19 container clearly labeled as containing alcoholic liquor and
20 labeled as requiring signature of an adult of at least 21 years
21 of age to any person in this State under the age of 21 years.
22 An express company, common carrier, or contract carrier that
23 carries or transports such alcoholic liquor for delivery
24 within this State shall obtain a signature at the time of
25 delivery acknowledging receipt of the alcoholic liquor by an

1 adult who is at least 21 years of age. At no time while
2 delivering alcoholic beverages within this State may any
3 representative, agent, or employee of an express company,
4 common carrier, or contract carrier that carries or transports
5 alcoholic liquor for delivery within this State deliver the
6 alcoholic liquor to a residential address without the
7 acknowledgment of the consignee and without first obtaining a
8 signature at the time of the delivery by an adult who is at
9 least 21 years of age. A signature of a person on file with the
10 express company, common carrier, or contract carrier does not
11 constitute acknowledgement of the consignee. Any express
12 company, common carrier, or contract carrier that transports
13 alcoholic liquor for delivery within this State that violates
14 this item (ii) of this subsection (a) by delivering alcoholic
15 liquor without the acknowledgement of the consignee and
16 without first obtaining a signature at the time of the
17 delivery by an adult who is at least 21 years of age is guilty
18 of a business offense for which the express company, common
19 carrier, or contract carrier that transports alcoholic liquor
20 within this State shall be fined not more than \$1,001 for a
21 first offense, not more than \$5,000 for a second offense, and
22 not more than \$10,000 for a third or subsequent offense. An
23 express company, common carrier, or contract carrier shall be
24 held vicariously liable for the actions of its
25 representatives, agents, or employees. For purposes of this
26 Act, in addition to other methods authorized by law, an

1 express company, common carrier, or contract carrier shall be
2 considered served with process when a representative, agent,
3 or employee alleged to have violated this Act is personally
4 served. Each shipment of alcoholic liquor delivered in
5 violation of this item (ii) of this subsection (a) constitutes
6 a separate offense. (iii) No person, after purchasing or
7 otherwise obtaining alcoholic liquor, shall sell, give, or
8 deliver such alcoholic liquor to another person under the age
9 of 21 years, except in the performance of a religious ceremony
10 or service. Except as otherwise provided in item (ii), any
11 express company, common carrier, or contract carrier that
12 transports alcoholic liquor within this State that violates
13 the provisions of item (i), (ii), or (iii) of this paragraph of
14 this subsection (a) is guilty of a Class A misdemeanor and the
15 sentence shall include, but shall not be limited to, a fine of
16 not less than \$500. Any person who violates the provisions of
17 item (iii) of this paragraph of this subsection (a) is guilty
18 of a Class A misdemeanor and the sentence shall include, but
19 shall not be limited to a fine of not less than \$500 for a
20 first offense and not less than \$2,000 for a second or
21 subsequent offense. Any person who knowingly violates the
22 provisions of item (iii) of this paragraph of this subsection
23 (a) is guilty of a Class 4 felony if a death occurs as the
24 result of the violation.

25 If a licensee or officer, associate, member,
26 representative, agent, or employee of the licensee, or a

1 representative, agent, or employee of an express company,
2 common carrier, or contract carrier that carries or transports
3 alcoholic liquor for delivery within this State, is prosecuted
4 under this paragraph of this subsection (a) for selling,
5 giving, or delivering alcoholic liquor to a person under the
6 age of 21 years, the person under 21 years of age who attempted
7 to buy or receive the alcoholic liquor may be prosecuted
8 pursuant to Section 6-20 of this Act, unless the person under
9 21 years of age was acting under the authority of a law
10 enforcement agency, the Illinois Liquor Control Commission, or
11 a local liquor control commissioner pursuant to a plan or
12 action to investigate, patrol, or conduct any similar
13 enforcement action.

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

23 Adequate written evidence of age and identity of the
24 person is a document issued by a federal, state, county, or
25 municipal government, or subdivision or agency thereof,
26 including, but not limited to, a motor vehicle operator's

1 license, a registration certificate issued under the Federal
2 Selective Service Act, or an identification card issued to a
3 member of the Armed Forces. Proof that the defendant-licensee,
4 or his employee or agent, or the representative, agent, or
5 employee of the express company, common carrier, or contract
6 carrier that carries or transports alcoholic liquor for
7 delivery within this State demanded, was shown and reasonably
8 relied upon such written evidence in any transaction forbidden
9 by this Section is an affirmative defense in any criminal
10 prosecution therefor or to any proceedings for the suspension
11 or revocation of any license based thereon. It shall not,
12 however, be an affirmative defense if the agent or employee
13 accepted the written evidence knowing it to be false or
14 fraudulent. If a false or fraudulent Illinois driver's license
15 or Illinois identification card is presented by a person less
16 than 21 years of age to a licensee or the licensee's agent or
17 employee for the purpose of ordering, purchasing, attempting
18 to purchase, or otherwise obtaining or attempting to obtain
19 the serving of any alcoholic beverage, the law enforcement
20 officer or agency investigating the incident shall, upon the
21 conviction of the person who presented the fraudulent license
22 or identification, make a report of the matter to the
23 Secretary of State on a form provided by the Secretary of
24 State.

25 However, no agent or employee of the licensee or employee
26 of an express company, common carrier, or contract carrier

1 that carries or transports alcoholic liquor for delivery
2 within this State shall be disciplined or discharged for
3 selling or furnishing liquor to a person under 21 years of age
4 if the agent or employee demanded and was shown, before
5 furnishing liquor to a person under 21 years of age, adequate
6 written evidence of age and identity of the person issued by a
7 federal, state, county or municipal government, or subdivision
8 or agency thereof, including but not limited to a motor
9 vehicle operator's license, a registration certificate issued
10 under the Federal Selective Service Act, or an identification
11 card issued to a member of the Armed Forces. This paragraph,
12 however, shall not apply if the agent or employee accepted the
13 written evidence knowing it to be false or fraudulent.

14 Any person who sells, gives, or furnishes to any person
15 under the age of 21 years any false or fraudulent written,
16 printed, or photostatic evidence of the age and identity of
17 such person or who sells, gives or furnishes to any person
18 under the age of 21 years evidence of age and identification of
19 any other person is guilty of a Class A misdemeanor and the
20 person's sentence shall include, but shall not be limited to,
21 a fine of not less than \$500.

22 Any person under the age of 21 years who presents or offers
23 to any licensee, his agent or employee, any written, printed
24 or photostatic evidence of age and identity that is false,
25 fraudulent, or not actually his or her own for the purpose of
26 ordering, purchasing, attempting to purchase or otherwise

1 procuring or attempting to procure, the serving of any
2 alcoholic beverage, who falsely states in writing that he or
3 she is at least 21 years of age when receiving alcoholic liquor
4 from a representative, agent, or employee of an express
5 company, common carrier, or contract carrier, or who has in
6 his or her possession any false or fraudulent written,
7 printed, or photostatic evidence of age and identity, is
8 guilty of a Class A misdemeanor and the person's sentence
9 shall include, but shall not be limited to, the following: a
10 fine of not less than \$500 and at least 25 hours of community
11 service. If possible, any community service shall be performed
12 for an alcohol abuse prevention program.

13 Any person under the age of 21 years who has any alcoholic
14 beverage in his or her possession on any street or highway or
15 in any public place or in any place open to the public is
16 guilty of a Class A misdemeanor. This Section does not apply to
17 possession by a person under the age of 21 years making a
18 delivery of an alcoholic beverage in pursuance of the order of
19 his or her parent ~~or in pursuance of his or her employment.~~

20 (a-1) It is unlawful for any parent or guardian to
21 knowingly permit his or her residence, any other private
22 property under his or her control, or any vehicle, conveyance,
23 or watercraft under his or her control to be used by an invitee
24 of the parent's child or the guardian's ward, if the invitee is
25 under the age of 21, in a manner that constitutes a violation
26 of this Section. A parent or guardian is deemed to have

1 knowingly permitted his or her residence, any other private
2 property under his or her control, or any vehicle, conveyance,
3 or watercraft under his or her control to be used in violation
4 of this Section if he or she knowingly authorizes or permits
5 consumption of alcoholic liquor by underage invitees. Any
6 person who violates this subsection (a-1) is guilty of a Class
7 A misdemeanor and the person's sentence shall include, but
8 shall not be limited to, a fine of not less than \$500. Where a
9 violation of this subsection (a-1) directly or indirectly
10 results in great bodily harm or death to any person, the person
11 violating this subsection shall be guilty of a Class 4 felony.
12 Nothing in this subsection (a-1) shall be construed to
13 prohibit the giving of alcoholic liquor to a person under the
14 age of 21 years in the performance of a religious ceremony or
15 service in observation of a religious holiday.

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

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

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

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

4 (2) the possession or consumption of the alcohol by
5 the person under 21 is not otherwise permitted by this
6 Act.

7 For the purposes of this subsection (c) where the
8 residence has an owner and a tenant or lessee, the trier of
9 fact may infer that the residence is occupied only by the
10 tenant or lessee. The sentence of any person who violates this
11 subsection (c) shall include, but shall not be limited to, a
12 fine of not less than \$500. Where a violation of this
13 subsection (c) directly or indirectly results in great bodily
14 harm or death to any person, the person violating this
15 subsection (c) shall be guilty of a Class 4 felony. Nothing in
16 this subsection (c) shall be construed to prohibit the giving
17 of alcoholic liquor to a person under the age of 21 years in
18 the performance of a religious ceremony or service in
19 observation of a religious holiday.

20 A person shall not be in violation of this subsection (c)
21 if (A) he or she requests assistance from the police
22 department or other law enforcement agency to either (i)
23 remove any person who refuses to abide by the person's
24 performance of the duties imposed by this subsection (c) or
25 (ii) terminate the activity because the person has been unable
26 to prevent a person under the age of 21 years from consuming

1 alcohol despite having taken all reasonable steps to do so and
2 (B) this assistance is requested before any other person makes
3 a formal complaint to the police department or other law
4 enforcement agency about the activity.

5 (d) Any person who rents a hotel or motel room from the
6 proprietor or agent thereof for the purpose of or with the
7 knowledge that such room shall be used for the consumption of
8 alcoholic liquor by persons under the age of 21 years shall be
9 guilty of a Class A misdemeanor.

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

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

21 (235 ILCS 5/6-27.1)

22 Sec. 6-27.1. Responsible alcohol service server training.

23 (a) Unless issued a valid server training certificate
24 between July 1, 2012 and July 1, 2015 by a certified Beverage
25 Alcohol Sellers and Servers Education and Training (BASSET)

1 trainer, all alcohol servers in Cook County are required to
2 obtain and complete training in basic responsible alcohol
3 service as outlined in 77 Ill. Adm. Code 3500, as those
4 provisions exist on July 1, 2015 (the effective date of Public
5 Act 98-939), by July 1, 2015 or within 120 days after the
6 alcohol server begins his or her employment, whichever is
7 later. All alcohol servers in a county, other than Cook
8 County, with a population of 200,000 inhabitants or more are
9 required to obtain and complete training in basic responsible
10 alcohol service as outlined in 77 Ill. Adm. Code 3500, as those
11 provisions exist on July 1, 2015 (the effective date of Public
12 Act 98-939), by July 1, 2016 or within 120 days after the
13 alcohol server begins his or her employment, whichever is
14 later. All alcohol servers in a county with a population of
15 more than 30,000 inhabitants and less than 200,000 inhabitants
16 are required to obtain and complete training in basic
17 responsible alcohol service as outlined in 77 Ill. Adm. Code
18 3500, as those provisions exist on July 1, 2015 (the effective
19 date of Public Act 98-939), by July 1, 2017 or within 120 days
20 after the alcohol server begins his or her employment,
21 whichever is later. All alcohol servers in counties with a
22 population of 30,000 inhabitants or less are required to
23 obtain and complete training in basic responsible alcohol
24 service as outlined in 77 Ill. Adm. Code 3500, as those
25 provisions exist on July 1, 2015 (the effective date of Public
26 Act 98-939), by July 1, 2018 or within 120 days after the

1 alcohol server begins his or her employment, whichever is
2 later.

3 There is no limit to the amount of times a server may take
4 the training. A certificate of training belongs to the server,
5 and a server may transfer a certificate of training to a
6 different employer, but shall not transfer a certificate of
7 training to another server. Proof that an alcohol server has
8 been trained must be available upon reasonable request by
9 State law enforcement officials. For the purpose of this
10 Section, "alcohol servers" means persons who sell or serve
11 open containers of alcoholic beverages at retail, anyone who
12 delivers alcoholic liquor on behalf of a third-party retailer
13 delivery licensee, anyone who delivers mixed drinks under
14 Section 6-28.8, and anyone whose job description entails the
15 checking of identification for the purchase of open containers
16 of alcoholic beverages at retail or for entry into the
17 licensed premises. The definition does not include (i) a
18 distributor or importing distributor conducting product
19 sampling as authorized in Section 6-31 of this Act or a
20 registered tasting representative, as provided in 11 Ill. Adm.
21 Code 100.40, conducting a tasting, as defined in 11 Ill. Adm.
22 Code 100.10; (ii) a volunteer serving alcoholic beverages at a
23 charitable function; or (iii) an instructor engaged in
24 training or educating on the proper technique for using a
25 system that dispenses alcoholic beverages.

26 (b) Responsible alcohol service training must cover and

1 assess knowledge of the topics noted in 77 Ill. Adm. Code
2 3500.155.

3 (c) Beginning on the effective date of this amendatory Act
4 of the 98th General Assembly, but no later than October 1,
5 2015, all existing BASSET trainers who are already BASSET
6 certified as of the effective date of this amendatory Act of
7 the 98th General Assembly shall be recertified by the State
8 Commission and be required to comply with the conditions for
9 server training set forth in this amendatory Act of the 98th
10 General Assembly.

11 (d) Training modules and certificate program plans must be
12 approved by the State Commission. All documents, materials, or
13 information related to responsible alcohol service training
14 program approval that are submitted to the State Commission
15 are confidential and shall not be open to public inspection or
16 dissemination and are exempt from disclosure.

17 The State Commission shall only approve programs that meet
18 the following criteria:

19 (1) the training course covers the content specified
20 in 77 Ill. Adm. Code 3500.155;

21 (2) if the training course is classroom-based, the
22 classroom training is at least 4 hours, is available in
23 English and Spanish, and includes a test;

24 (3) if the training course is online or
25 computer-based, the course is designed in a way that
26 ensures that no content can be skipped, is interactive,

1 has audio for content for servers that have a disability,
2 and includes a test;

3 (4) training and testing is based on a job task
4 analysis that clearly identifies and focuses on the
5 knowledge, skills, and abilities needed to responsibly
6 serve alcoholic beverages and is developed using best
7 practices in instructional design and exam development to
8 ensure that the program is fair and legally defensible;

9 (5) training and testing is conducted by any means
10 available, including, but not limited to, online,
11 computer, classroom, or live trainers; and

12 (6) the program must provide access on a
13 24-hour-per-day, 7-days-per-week basis for certificate
14 verification for State Commission, State law enforcement
15 officials, and employers to be able to verify certificate
16 authenticity.

17 (e) Nothing in subsection (d) of this Section shall be
18 construed to require a program to use a test administrator or
19 proctor.

20 (f) A certificate issued from a BASSET-licensed training
21 program shall be accepted as meeting the training requirements
22 for all server license and permit laws and ordinances in the
23 State.

24 (g) A responsible alcohol service training certificate
25 from a BASSET-licensed program shall be valid for 3 years.

26 (h) The provisions of this Section shall apply beginning

1 July 1, 2015. From July 1, 2015 through December 31, 2015,
2 enforcement of the provisions of this Section shall be limited
3 to education and notification of the requirements to encourage
4 compliance.

5 (i) The provisions of this Section do not apply to a
6 special event retailer.

7 (Source: P.A. 101-631, eff. 6-2-20.)

8 (235 ILCS 5/6-28.8)

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

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

12 (a) In this Section:

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

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

24 "Sealed container" means a rigid container that contains a
25 mixed drink or a single serving of wine, is new, has never been

1 used, has a secured lid or cap designed to prevent consumption
2 without removal of the lid or cap, and is tamper-evident.

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

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

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

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

20 (A) has been trained in accordance with Section
21 6-27.1 at the time of the sale;

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

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

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

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

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

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

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

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

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

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

1 ~~sold the product.~~

2 (c) Third-party retailer delivery licensees ~~delivery~~
3 ~~services~~ are not permitted to deliver cocktails and mixed
4 drinks under this Section.

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

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

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

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

17 (3) a container of a mixed drink, cocktail, or single
18 serving of wine is transported in the passenger area of a
19 vehicle;

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

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

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

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

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

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

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

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

21 (235 ILCS 5/6-28.9 new)

22 Sec. 6-28.9. Third-party retailer delivery licensee
23 requirements.

24 (a) A person who is not licensed as a retailer under this
25 Act shall not deliver alcoholic liquor unless that person

1 holds a third-party retailer delivery license. A third-party
2 retailer delivery license is not required for deliveries made
3 directly by a retailer licensee, including by an employee of a
4 retailer licensee. This Section does not authorize a
5 third-party retailer delivery licensee or any other person to
6 deliver alcoholic liquor on behalf of or from any non-retailer
7 liquor license holder, including, but not limited to, license
8 holders with the privilege to manufacture alcoholic liquors
9 within or outside of the State, or from any other person
10 outside the State of Illinois. A person qualifies for a
11 third-party retailer delivery license if the person is not
12 prohibited from licensure under Section 6-2.

13 (b) A third-party retailer delivery licensee shall make
14 deliveries of alcoholic liquor in accordance with the
15 following conditions:

16 (1) All alcoholic liquor deliveries pursuant to this
17 Section shall be for alcoholic liquor sold not for resale
18 by retailer licensees authorized to sell alcoholic liquor
19 for off-premises consumption under subsection (d) of
20 Section 5-1. Third-party retailer delivery licensees shall
21 not deliver alcoholic liquor on behalf of retailer
22 licensees authorized to sell alcoholic liquor for
23 on-premises consumption only.

24 (2) All alcoholic liquor deliveries pursuant to this
25 Section shall be for alcoholic liquor in the original
26 package. Alcoholic liquor sold pursuant to Section 6-28.8

1 may not be delivered by a third-party retailer delivery
2 licensee.

3 (3) A third-party retailer delivery licensee may
4 charge a consumer a reasonable delivery fee similar to
5 delivery fees for non-alcoholic liquor products but shall
6 not charge a fee greater than the fee for non-alcoholic
7 liquor products, shall not charge an additional fee for
8 the delivery of alcoholic liquor, and shall not charge any
9 fee calculated as a percentage of alcoholic liquor sales.

10 (4) A third-party retailer delivery licensee shall
11 conduct screenings and background checks of all employees
12 and contractors that deliver alcoholic liquor on its
13 behalf. A third-party retailer delivery licensee may not
14 employ or contract with a person if that person would be
15 prohibited from licensure under Section 6-2.

16 (5) A third-party retailer delivery licensee shall
17 maintain a general liability insurance policy with a
18 liquor liability addendum for the minimum coverage
19 required by this Act.

20 (6) A third-party retailer delivery licensee is
21 subject to the provisions of Section 6-5 of this Act and
22 shall not receive anything of value from a licensed
23 manufacturer, non-resident dealer, distributor, importing
24 distributor, or foreign importer, including, but not
25 limited to, revenue for any advertisement or website
26 placement of alcoholic liquor products on a third-party

1 retailer delivery licensee website or online application.

2 (7) A third-party retailer delivery licensee shall not
3 resell alcoholic liquor nor shall a third-party retailer
4 delivery licensee deliver alcoholic liquor to a location
5 licensed to sell alcoholic liquor, except for private use
6 at locations licensed as a hotel, as defined in Section
7 1-3.25, or other similar accommodations.

8 (8) If the third-party retailer delivery licensee
9 advertises the price of alcoholic liquor, then the price
10 advertised shall be identical to the price charged by the
11 retailer licensee. All alcoholic liquor products offered
12 by a retailer licensee shall be offered by the third-party
13 retailer delivery licensee. The retailer licensee shall be
14 responsible for ensuring that the third-party retailer
15 delivery licensee advertises the identical price for the
16 alcoholic liquor as advertised and sold by the retailer
17 licensee and offers the identical products offered and
18 sold by the retailer licensee.

19 (9) The third-party retailer delivery licensee may
20 receive orders and accept payments through a website or
21 through a mobile application or similar technology if the
22 payments for alcoholic liquor are immediately directed to
23 an account owned and controlled by the retailer licensee
24 and the website or similar application identifies the name
25 and address of the retailer licensee prior to completion
26 of the sale.

1 (10) The third-party retailer delivery licensee shall
2 maintain a record of all deliveries of alcoholic liquor
3 for a period of 3 years from the date of delivery and shall
4 make such records available to the State Commission within
5 a reasonable time upon request. The record of each
6 delivery shall include the following:

7 (A) The name and address of the retailer licensee
8 from which the alcoholic liquor was purchased.

9 (B) The name, date of birth, address, and
10 signature of the recipient of the alcoholic liquor.

11 (C) The name of the delivery agent making the
12 delivery and the date, time, and address of the
13 delivery.

14 (D) The type, brand, and quantity of each
15 alcoholic liquor delivered.

16 (E) An itemization of the alcoholic liquor
17 products sold and the price of each alcoholic liquor
18 item.

19 (11) A retailer licensee shall accept or reject all
20 orders placed for alcoholic liquor through the third-party
21 retailer delivery licensee; collect and remit all
22 applicable State and local taxes (unless otherwise
23 required by the Department of Revenue); and determine the
24 price at which alcoholic liquor products are offered for
25 sale by the retailer licensee and delivered by the
26 third-party retailer delivery licensee. Any credit or

1 debit card information provided by a consumer to the
2 third-party retailer delivery licensee for the purchase of
3 alcoholic liquor from a retailer licensee shall be
4 directly charged to the retailer licensee and shall be
5 recorded as a charge by the retailer licensee on the
6 consumer receipt or record of the charge.

7 (12) A retailer licensee may enter into a contract
8 with a third-party retailer delivery licensee for a fixed
9 fee for services, but the fee shall not be based on a
10 percentage of the total receipts of alcoholic liquor
11 sales. All contracts between the retailer licensee and a
12 third-party retailer delivery licensee shall be provided
13 by the retailer licensee or third-party retailer delivery
14 licensee upon the request of the State Commission.

15 (13) Subject to the review of the State Commission, a
16 third-party retailer delivery licensee shall use updated
17 identification scanning or similar technology for
18 cross-checking governmental databases for the purpose of
19 verifying the age and likeness of the presenter.

20 (235 ILCS 5/6-28.10 new)

21 Sec. 6-28.10. Alcoholic liquor delivery requirements.

22 (a) For deliveries pursuant to subsection (d) of Section
23 5-1 and Section 6-28.9, a retailer licensee and third-party
24 retailer delivery licensee shall:

25 (1) conduct deliveries by a person 21 years of age or

1 over holding a valid Beverage Alcohol Sellers and Servers
2 Education Training (BASSET) certificate issued pursuant to
3 Section 6-27.1 of this Act. A third-party retailer
4 delivery licensee may request a waiver of the BASSET
5 requirement for third-party retailer delivery licensee
6 contract deliverers if the third-party retailer delivery
7 licensee provides proof of its training module or program
8 demonstrating to the satisfaction of the State Commission
9 that such training module or program satisfies BASSET
10 principles, such as underage or intoxicated person access
11 prevention;

12 (2) examine the data and the photograph on the
13 identification of the recipient and obtain the signature
14 from the recipient to verify the recipient is 21 years of
15 age or older. The data and the photograph of the recipient
16 shall demonstrate a reasonable likeness of the recipient;

17 (3) include a statement clearly visible on the outside
18 of the packaging that the delivery contains alcoholic
19 liquor not to be provided to any person under the age of
20 21;

21 (4) fulfill the delivery order from the retailer
22 licensee's location nearest to the address of the
23 recipient;

24 (5) require the return of deliveries to the retailer
25 licensee's location from which the alcoholic liquor is
26 purchased if a delivery was attempted to an unqualified

1 recipient, delivery was attempted to a recipient who
2 refused delivery, or a delivery was unable to be completed
3 for any other reason. An unqualified recipient of an
4 alcoholic liquor delivery includes circumstances in which:

5 (A) there is reason to doubt the authenticity or
6 correctness of the recipient's identification;

7 (B) the recipient refuses to sign for the receipt
8 of the delivery;

9 (C) the recipient is unable to produce valid
10 identification; or

11 (D) the recipient exhibits signs of intoxication;
12 and

13 (6) refuse to deliver alcoholic liquor to any
14 elementary school, secondary school, public playground, or
15 public park.

16 (b) A retailer licensee or third-party retailer delivery
17 licensee shall not compensate delivery personnel on the basis
18 of a completed delivery but may compensate a delivery driver
19 for a return of undeliverable alcoholic liquor.