

# SB2000



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2000

Introduced 2/9/2023, by Sen. Cristina Castro

### SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-40 new

Amends the Liquor Control Act of 1934. Provides that an off-premises retail licensee or a person in the business of manufacturing, importing, or distributing alcoholic liquors directly or indirectly offering or providing coupons to consumers that are redeemable by the person offering the coupon or third-party agent does not constitute a violation under the Act if specified conditions are met. Provides that any person who funds, offers, or redeems coupons shall maintain complete, accurate, and itemized records of reimbursements. Provides that the person offering a coupon shall provide notice of the coupon with specified information at least 7 days prior to the issuance of the coupon on the licensee's publicly available website or social media pages and, in the case of an off-premises retailer offering the coupon, conspicuously on its licensed premises.

LRB103 28059 RPS 54438 b

A BILL FOR

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 adding Section 6-40 as follows:

6 (235 ILCS 5/6-40 new)

7 Sec. 6-40. Coupons.

8 (a) For the purposes of this Section, "coupon" means any  
9 method, including, but not limited to, paper, digital,  
10 electronic, online mobile application, or similar format, by  
11 which a consumer receives a discount in connection with the  
12 purchase of an alcoholic liquor product with such purchase  
13 funded, produced, sponsored, promoted, or furnished, either  
14 directly or indirectly, by a person in the business of  
15 manufacturing, importing, or distributing alcoholic liquors or  
16 by an off-premise retail licensee and no other person and  
17 redeemed directly or indirectly by the person offering the  
18 coupon or a third-party agent.

19 (b) An off-premises retail licensee or a person in the  
20 business of manufacturing, importing, or distributing  
21 alcoholic liquors directly or indirectly offering or providing  
22 a coupon to consumers that is redeemable by the person  
23 offering the coupon or third-party agent does not constitute a

1 violation under this Act if the following conditions are met:

2 (1) The person offers the coupon directly to a  
3 consumer. A manufacturer that imports or distributes  
4 alcoholic liquors shall not directly or indirectly  
5 reimburse a retailer for a coupon.

6 (2) The person offering the coupon does not offer any  
7 coupon that makes any alcoholic liquor free of charge.

8 (3) The person offering a coupon directly or  
9 indirectly to a consumer is the sole person, or its  
10 third-party agent, who redeems the coupon. The person  
11 offering the coupon, or its third-party agent, shall not  
12 redeem a coupon by any consumer below the age of 21.

13 (4) The coupon provided by the person in the business  
14 of manufacturing, importing, or distributing alcoholic  
15 liquors does not identify the name or brand of a retail  
16 licensee.

17 (5) A person in the business of manufacturing,  
18 importing, or distributing alcoholic liquors does not  
19 offer a coupon that is redeemable for retailer branded or  
20 retailer private label products. A retail licensee may  
21 offer a coupon for a retailer branded or retailer private  
22 label product.

23 (6) The coupon contains an expiration date. A person  
24 offering a coupon shall not reimburse a consumer beyond  
25 the expiration date.

26 (7) A person in the business of manufacturing,

1 importing, or distributing alcoholic liquors does not  
2 require a retailer to accept coupons. A retailer shall not  
3 accept any reimbursement for a coupon issued by any other  
4 person.

5 (8) A retailer does not require a person in the  
6 business of manufacturing, importing, or distributing  
7 alcoholic liquors to offer coupons.

8 (9) A person offering a coupon provides the full  
9 amount of the discount to the consumer.

10 (10) A distributor is not required to disseminate any  
11 coupons on the behalf of a person offering a coupon.

12 (11) Printed or paper coupons are not offered or  
13 provided anywhere on the premises of a retailer or placed  
14 upon any alcoholic product.

15 (12) The coupon does not provide a full or partial  
16 discount for the purchase of alcoholic liquor that would  
17 apply to a separate alcoholic liquor that is not  
18 manufactured or owned by the same alcoholic manufacturer.

19 (c) A retailer may offer a coupon as part of a retailer  
20 loyalty program or awards program.

21 (d) A coupon for alcohol liquor may include nonalcoholic  
22 products as long as the discount applies solely to a  
23 nonalcoholic product that is not a retailer branded or private  
24 label product.

25 (e) A coupon may be promoted, provided, furnished, or  
26 fulfilled through a third-party agent acting on behalf of a

1 person offering the coupon. Any act or omission of a  
2 third-party agent related to coupons or consumer promotion is  
3 the act or omission of the licensee.

4 (f) Any person who funds, offers, or redeems coupons shall  
5 maintain complete, accurate, and itemized records of  
6 reimbursements. All records of reimbursement, including any  
7 supporting documentation, including, but not limited to,  
8 consumer promotions, purchase invoices, sales receipts, or  
9 similar documentation shall be maintained by the licensee  
10 offering a coupon for a period of no less than 3 years after  
11 the reimbursement. A licensee shall make records of  
12 reimbursements and supporting documentation available upon  
13 reasonable notice for the purpose of investigation by the  
14 State Commission. The records may be kept in an electronic or  
15 digital format.

16 (g) The person offering a coupon shall provide notice of  
17 the coupon at least 7 days prior to the issuance of the coupon  
18 on the licensee's publicly available website or social media  
19 pages and, in the case of an off-premises retailer offering  
20 the coupon, conspicuously on its licensed premises. The notice  
21 shall include the following:

22 (1) the person offering the coupon;

23 (2) the exact product or products and size or sizes of  
24 the product or products and the rebate amount for the  
25 coupon; and

26 (3) the beginning and end date of the coupon offered.