



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 3359

2 AMENDMENT NO. _____. Amend Senate Bill 3359 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 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,

1 Class 14. Class 3 Brewer,

2 (b) Distributor's license,

3 (c) Importing Distributor's license,

4 (d) Retailer's license,

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

6 (f) Railroad license,

7 (g) Boat license,

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

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

10 (j) Airplane license,

11 (k) Foreign importer's license,

12 (l) Broker's license,

13 (m) Non-resident dealer's license,

14 (n) Brew Pub license,

15 (o) Auction liquor license,

16 (p) Caterer retailer license,

17 (q) Special use permit license,

18 (r) Winery shipper's license,

19 (s) Craft distiller tasting permit,

20 (t) Brewer warehouse permit,

21 (u) Distilling pub license,

22 (v) Craft distiller warehouse permit,

23 (w) Beer showcase permit,

24 (x) Third-party retailer delivery license.

25 No person, firm, partnership, corporation, or other legal
26 business entity that is engaged in the manufacturing of wine

1 may concurrently obtain and hold a wine-maker's license and a
2 wine manufacturer's license.

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

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

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

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

24 Class 4. A first class wine-manufacturer may make sales
25 and deliveries of up to 50,000 gallons of wine to
26 manufacturers, importing distributors and distributors, and to

1 no other licensees. If a first-class wine-manufacturer
2 manufactures beer, it shall also obtain and shall only be
3 eligible for, in addition to any current license, a class 1
4 brewer license, shall not manufacture more than 930,000
5 gallons of beer per year, and shall not be a member of or
6 affiliated with, directly or indirectly, a manufacturer that
7 produces more than 930,000 gallons of beer per year. If the
8 first-class wine-manufacturer manufactures spirits, it shall
9 also obtain and shall only be eligible for, in addition to any
10 current license, a class 1 craft distiller license, shall not
11 manufacture more than 50,000 gallons of spirits per year, and
12 shall not be a member of or affiliated with, directly or
13 indirectly, a manufacturer that produces more than 50,000
14 gallons of spirits per year. A first-class wine-manufacturer
15 shall be permitted to sell wine manufactured at the
16 first-class wine-manufacturer premises to non-licensees.

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

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

1 and annually produces more than 25,000 gallons of its own wine
2 and who distributes its wine to licensed retailers shall cease
3 this practice on or before July 1, 2008 in compliance with
4 Public Act 95-634. If a first-class wine-maker manufactures
5 beer, it shall also obtain and shall only be eligible for, in
6 addition to any current license, a class 1 brewer license,
7 shall not manufacture more than 930,000 gallons of beer per
8 year, and shall not be a member of or affiliated with, directly
9 or indirectly, a manufacturer that produces more than 930,000
10 gallons of beer per year. If the first-class wine-maker
11 manufactures spirits, it shall also obtain and shall only be
12 eligible for, in addition to any current license, a class 1
13 craft distiller license, shall not manufacture more than
14 50,000 gallons of spirits per year, and shall not be a member
15 of or affiliated with, directly or indirectly, a manufacturer
16 that produces more than 50,000 gallons of spirits per year. A
17 first-class wine-maker holding a class 1 brewer license or a
18 class 1 craft distiller license shall not be eligible for a
19 wine-maker's premises license but shall be permitted to sell
20 wine manufactured at the first-class wine-maker premises to
21 non-licensees.

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

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

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

23 Class 9. A craft distiller license, which may only be held
24 by a class 1 craft distiller licensee or class 2 craft
25 distiller licensee but not held by both a class 1 craft
26 distiller licensee and a class 2 craft distiller licensee,

1 shall grant all rights conveyed by either: (i) a class 1 craft
2 distiller license if the craft distiller holds a class 1 craft
3 distiller license; or (ii) a class 2 craft distiller licensee
4 if the craft distiller holds a class 2 craft distiller
5 license.

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

1 produces more than 50,000 gallons of wine per year. A class 1
2 craft distiller licensee may make sales and deliveries to
3 importing distributors and distributors and to retail
4 licensees in accordance with the conditions set forth in
5 paragraph (19) of subsection (a) of Section 3-12 of this Act.
6 However, the aggregate amount of spirits sold to non-licensees
7 and sold or delivered to retail licensees may not exceed 5,000
8 gallons per year.

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

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

26 Class 11. A class 2 craft distiller license, which may

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

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

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

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

1 of spirits per year.

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

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

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

1 distributors, but shall not make sales or deliveries to any
2 other licensee. If the State Commission provides prior
3 approval, a class 2 brewer licensee may annually transfer up
4 to 3,720,000 gallons of beer manufactured by that class 2
5 brewer licensee to the premises of a licensed class 2 brewer
6 wholly owned and operated by the same licensee.

7 A class 2 brewer may transfer beer to a brew pub wholly
8 owned and operated by the class 2 brewer subject to the
9 following limitations and restrictions: (i) the transfer shall
10 not annually exceed more than 31,000 gallons; (ii) the annual
11 amount transferred shall reduce the brew pub's annual
12 permitted production limit; (iii) all beer transferred shall
13 be subject to Article VIII of this Act; (iv) a written record
14 shall be maintained by the brewer and brew pub specifying the
15 amount, date of delivery, and receipt of the product by the
16 brew pub; and (v) the brew pub shall be located no farther than
17 80 miles from the class 2 brewer's licensed location.

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

25 Class 14. A class 3 brewer license, which may be issued to
26 a brewer or a non-resident dealer, shall allow the manufacture

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

22 (a-1) A manufacturer which is licensed in this State to
23 make sales or deliveries of alcoholic liquor to licensed
24 distributors or importing distributors and which enlists
25 agents, representatives, or individuals acting on its behalf
26 who contact licensed retailers on a regular and continual

1 basis in this State must register those agents,
2 representatives, or persons acting on its behalf with the
3 State Commission.

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

21 (b) A distributor's license shall allow (i) the wholesale
22 purchase and storage of alcoholic liquors and sale of
23 alcoholic liquors to licensees in this State and to persons
24 without the State, as may be permitted by law; (ii) the sale of
25 beer, cider, mead, or any combination thereof to brewers,
26 class 1 brewers, and class 2 brewers that, pursuant to

1 subsection (e) of Section 6-4 of this Act, sell beer, cider,
2 mead, or any combination thereof to non-licensees at their
3 breweries; (iii) the sale of vermouth to class 1 craft
4 distillers and class 2 craft distillers that, pursuant to
5 subsection (e) of Section 6-4 of this Act, sell spirits,
6 vermouth, or both spirits and vermouth to non-licensees at
7 their distilleries; or (iv) as otherwise provided in this Act.
8 No person licensed as a distributor shall be granted a
9 non-resident dealer's license.

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

1 licensed as an importing distributor shall be granted a
2 non-resident dealer's license.

3 (d) A retailer's license shall allow the licensee to sell
4 and offer for sale at retail, only in the premises specified in
5 the license, alcoholic liquor for use or consumption, but not
6 for resale in any form. Except as provided in Section 6-16,
7 6-29, or 6-29.1, nothing in this Act shall deny, limit,
8 remove, or restrict the ability of a holder of a retailer's
9 license to transfer or ship alcoholic liquor to the purchaser
10 for use or consumption subject to any applicable local law or
11 ordinance. For the purposes of this Section, "shipping" means
12 the movement of alcoholic liquor from a licensed retailer to a
13 consumer via a common carrier. Except as provided in Section
14 6-16, 6-29, or 6-29.1 and subject to the delivery requirements
15 of Sections 6-28.9 and 6-28.10, nothing in this Act shall
16 deny, limit, remove, or restrict the ability of a holder of a
17 retailer's license to deliver alcoholic liquor to the
18 purchaser for use or consumption. The delivery shall be made
19 only within 12 hours from the time the alcoholic liquor leaves
20 the licensed premises of the retailer for delivery. For the
21 purposes of this Section, "delivery" means the movement of
22 alcoholic liquor purchased from a licensed retailer to a
23 consumer through the following methods:

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

26 (2) delivery by an owner, officer, director,

1 shareholder, or employee of the licensed retailer; or

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

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

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

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

25 Notwithstanding any other provision of this subsection
26 (d), a retail licensee may sell alcoholic liquors to a special

1 event retailer licensee for resale to the extent permitted
2 under subsection (e).

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

1 statement to that effect; (ii) submit with the application
2 proof satisfactory to the State Commission that the applicant
3 will provide dram shop liability insurance in the maximum
4 limits; and (iii) show proof satisfactory to the State
5 Commission that the applicant has obtained local authority
6 approval.

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

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

1 distributors. A railroad license shall also permit the
2 licensee to sell or dispense alcoholic liquors on any club,
3 buffet, lounge or dining car operated on an electric, gas or
4 steam railway regularly operated by a common carrier in this
5 State, but shall not permit the sale for resale of any
6 alcoholic liquors to any licensee within this State. A license
7 shall be obtained for each car in which such sales are made.

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

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

24 Class 1, not to exceed 500 gallons
25 Class 2, not to exceed 1,000 gallons
26 Class 3, not to exceed 5,000 gallons

1 Class 4, not to exceed 10,000 gallons

2 Class 5, not to exceed 50,000 gallons

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

1 for sale at (i) the wine-maker's licensed premises and (ii) at
2 up to 2 additional locations for use and consumption and not
3 for resale. Each location shall require additional licensing
4 per location as specified in Section 5-3 of this Act. A
5 wine-maker's premises licensee shall secure liquor liability
6 insurance coverage in an amount at least equal to the maximum
7 liability amounts set forth in subsection (a) of Section 6-21
8 of this Act.

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

1 of an airline company if liquor service is provided on board
2 aircraft in this State. The annual fee for such license shall
3 be as determined in Section 5-3.

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

19 (l) (i) A broker's license shall be required of all
20 persons who solicit orders for, offer to sell or offer to
21 supply alcoholic liquor to retailers in the State of Illinois,
22 or who offer to retailers to ship or cause to be shipped or to
23 make contact with distillers, craft distillers, rectifiers,
24 brewers or manufacturers or any other party within or without
25 the State of Illinois in order that alcoholic liquors be
26 shipped to a distributor, importing distributor or foreign

1 importer, whether such solicitation or offer is consummated
2 within or without the State of Illinois.

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

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

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

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

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

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

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

1 non-resident dealer shall be granted a distributor's or
2 importing distributor's license.

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

26 A brew pub licensee shall not under any circumstance sell

1 or offer for sale beer manufactured by the brew pub licensee to
2 retail licensees.

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

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

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

7 (1) has a valid retail license on or before May 1,
8 2021;

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

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

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

16 If a brew pub licensee is issued a class 3 brewer license,
17 the class 3 brewer license shall expire on the same date as the
18 existing brew pub license and the State Commission shall not
19 require a class 3 brewer licensee to obtain a brewer license,
20 or in the alternative to pay a fee for a brewer license, until
21 the date the brew pub license of the applicant would have
22 expired.

23 (o) A caterer retailer license shall allow the holder to
24 serve alcoholic liquors as an incidental part of a food
25 service that serves prepared meals which excludes the serving
26 of snacks as the primary meal, either on or off-site whether

1 licensed or unlicensed. A caterer retailer license shall allow
2 the holder, a distributor, or an importing distributor to
3 transfer any inventory to and from the holder's retail
4 premises and shall allow the holder to purchase alcoholic
5 liquor from a distributor or importing distributor to be
6 delivered directly to an off-site event.

7 Nothing in this Act prohibits a distributor or importing
8 distributor from offering credit or a refund for unused,
9 salable beer to a holder of a caterer retailer license or a
10 caterer retailer licensee from accepting a credit or refund
11 for unused, salable beer, in the event an act of God is the
12 sole reason an off-site event is cancelled and if: (i) the
13 holder of a caterer retailer license has not transferred
14 alcoholic liquor from its caterer retailer premises to an
15 off-site location; (ii) the distributor or importing
16 distributor offers the credit or refund for the unused,
17 salable beer that it delivered to the off-site premises and
18 not for any unused, salable beer that the distributor or
19 importing distributor delivered to the caterer retailer's
20 premises; and (iii) the unused, salable beer would likely
21 spoil if transferred to the caterer retailer's premises. A
22 caterer retailer license shall allow the holder to transfer
23 any inventory from any off-site location to its caterer
24 retailer premises at the conclusion of an off-site event or
25 engage a distributor or importing distributor to transfer any
26 inventory from any off-site location to its caterer retailer

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

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

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

20 (q) A special use permit license shall allow an Illinois
21 licensed retailer to transfer a portion of its alcoholic
22 liquor inventory from its retail licensed premises to the
23 premises specified in the license hereby created; to purchase
24 alcoholic liquor from a distributor or importing distributor
25 to be delivered directly to the location specified in the
26 license hereby created; and to sell or offer for sale at

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

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

23 Nothing in this Act prohibits a distributor or importing
24 distributor from offering credit or a refund for unused,
25 salable beer to a special use permit licensee or a special use
26 permit licensee from accepting a credit or refund for unused,

1 salable beer at the conclusion of the event specified in the
2 license if: (i) the holder of the special use permit license
3 has not transferred alcoholic liquor from its retail licensed
4 premises to the premises specified in the special use permit
5 license; (ii) the distributor or importing distributor offers
6 the credit or refund for the unused, salable beer that it
7 delivered to the premises specified in the special use permit
8 license and not for any unused, salable beer that the
9 distributor or importing distributor delivered to the
10 retailer's premises; and (iii) the unused, salable beer would
11 likely spoil if transferred to the retailer premises.

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

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

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

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

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

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

22 If the Department of Revenue or the State Commission requests
23 a statement under this paragraph, the third-party provider
24 must provide that statement no later than 30 days after the
25 request is made. Any books, records, supporting papers, and
26 documents containing information and data relating to a

1 statement under this paragraph shall be kept and preserved for
2 a period of 3 years, unless their destruction sooner is
3 authorized, in writing, by the Director of Revenue, and shall
4 be open and available to inspection by the Director of Revenue
5 or the State Commission or any duly authorized officer, agent,
6 or employee of the State Commission or the Department of
7 Revenue, at all times during business hours of the day. Any
8 person who violates any provision of this paragraph or any
9 rule of the State Commission for the administration and
10 enforcement of the provisions of this paragraph is guilty of a
11 Class C misdemeanor. In case of a continuing violation, each
12 day's continuance thereof shall be a separate and distinct
13 offense.

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

21 A winery shipper licensee must pay to the Department of
22 Revenue the State liquor gallonage tax under Section 8-1 for
23 all wine that is sold by the licensee and shipped to a person
24 in this State. For the purposes of Section 8-1, a winery
25 shipper licensee shall be taxed in the same manner as a
26 manufacturer of wine. A licensee who is not otherwise required

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

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

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

24 As used in this subsection, "third-party provider" means
25 any entity that provides fulfillment house services, including
26 warehousing, packaging, distribution, order processing, or

1 shipment of wine, but not the sale of wine, on behalf of a
2 licensed winery shipper.

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

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

1 at the premises specified on the permit. Sales to
2 non-licensees are prohibited at the premises specified in the
3 brewer warehouse permit.

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

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

26 A person who holds a class 2 craft distiller license may

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

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

19 (w) A beer showcase permit license shall allow an
20 Illinois-licensed distributor to transfer a portion of its
21 beer inventory from its licensed premises to the premises
22 specified in the beer showcase permit license, and, in the
23 case of a class 3 brewer, transfer only beer the class 3 brewer
24 manufactures from its licensed premises to the premises
25 specified in the beer showcase permit license; and to sell or
26 offer for sale at retail, only in the premises specified in the

1 beer showcase permit license, the transferred or delivered
2 beer for on or off premise consumption, but not for resale in
3 any form and to sell to non-licensees not more than 96 fluid
4 ounces of beer per person. A beer showcase permit license may
5 be granted for the following time periods: one day or less; or
6 2 or more days to a maximum of 15 days per location in any
7 12-month period. An applicant for a beer showcase permit
8 license must also submit with the application proof
9 satisfactory to the State Commission that the applicant will
10 provide dram shop liability insurance to the maximum limits
11 and have local authority approval. The State Commission shall
12 require the beer showcase applicant to comply with Section
13 6-27.1.

14 (x) A third-party retailer delivery license shall
15 authorize a person who is not licensed to sell alcoholic
16 liquor to deliver alcoholic liquor on behalf of a retailer
17 licensee and to deliver alcoholic liquor on behalf of or at the
18 request of an unlicensed purchaser of alcoholic liquor from a
19 retailer licensee, subject to the provisions of Sections
20 6-28.9 and 6-29.10. A third-party retailer delivery license is
21 not required for an employee or independent contractor of a
22 person holding a third-party retailer delivery license or for
23 an employee of a retailer licensee who is not an independent
24 contractor of a retailer licensee. A third-party retailer
25 delivery licensee; a third-party retailer delivery licensee's
26 officers, owners, and directors; and any person affiliated

1 with the third-party retailer delivery licensee's ownership
2 may not hold a direct or indirect financial or beneficial
3 interest in any other business licensed under this Act, except
4 a State-licensed retailer.

5 The issuance and regulation of a third-party retailer
6 delivery license is an exclusive power and function of the
7 State. A home rule or non-home rule unit may not issue or
8 regulate a third-party retailer delivery license. This
9 subsection is a denial and limitation of home rule powers and
10 functions under subsection (h) of Section 6 of Article VII of
11 the Illinois Constitution.

12 (Source: P.A. 101-16, eff. 6-14-19; 101-31, eff. 6-28-19;
13 101-81, eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff.
14 8-23-19; 101-615, eff. 12-20-19; 101-668, eff. 1-1-22;
15 102-442, eff. 8-20-21; 102-1142, eff. 2-17-23.)

16 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

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

24	Online	Initial
25	renewal	license

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

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

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

1	Class 5	600	600
2	For a broker's license	750	1,000
3	For an auction liquor license	100	150
4	For a homebrewer special		
5	event permit	25	25
6	For a craft distiller		
7	tasting permit	25	25
8	For a BASSET trainer license	300	350
9	For a tasting representative		
10	license.....	200	300
11	For a brewer warehouse permit	25	25
12	For a craft distiller		
13	warehouse permit	25	25
14	<u>For a third-party retailer</u>		
15	<u>delivery license</u>	<u>1,500</u>	<u>1,750</u>

16 Fees collected under this Section shall be paid into the
 17 Dram Shop Fund. The State Commission shall waive license
 18 renewal fees for those retailers' licenses that are designated
 19 as "1A" by the State Commission and expire on or after July 1,
 20 2022, and on or before June 30, 2023. One-half of the funds
 21 received for a retailer's license shall be paid into the Dram
 22 Shop Fund and one-half of the funds received for a retailer's
 23 license shall be paid into the General Revenue Fund.

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

- 26 (a) Hospitals, sanitariums, or clinics when their use

1 of alcoholic liquor is exclusively medicinal, mechanical,l
2 or scientific.

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

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

8 (Source: P.A. 102-442, eff. 8-20-21; 102-558, eff. 8-20-21;
9 102-699, eff. 4-19-22; 102-1142, eff. 2-17-23; 103-154, eff.
10 6-30-23; revised 9-5-23.)

11 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

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

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

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

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

1 (a) is guilty of a Class 4 felony if a death occurs as the
2 result of the violation.

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

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

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

1 Secretary of State on a form provided by the Secretary of
2 State.

3 However, no agent or employee of the licensee or employee
4 of an express company, common carrier, or contract carrier
5 that carries or transports alcoholic liquor for delivery
6 within this State shall be disciplined or discharged for
7 selling or furnishing liquor to a person under 21 years of age
8 if the agent or employee demanded and was shown, before
9 furnishing liquor to a person under 21 years of age, adequate
10 written evidence of age and identity of the person issued by a
11 federal, state, county or municipal government, or subdivision
12 or agency thereof, including but not limited to a motor
13 vehicle operator's license, a registration certificate issued
14 under the Federal Selective Service Act, or an identification
15 card issued to a member of the Armed Forces. This paragraph,
16 however, shall not apply if the agent or employee accepted the
17 written evidence knowing it to be false or fraudulent.

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

26 Any person under the age of 21 years who presents or offers

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

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

24 (a-1) It is unlawful for any parent or guardian to
25 knowingly permit his or her residence, any other private
26 property under his or her control, or any vehicle, conveyance,

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

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

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

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

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

8 (2) the possession or consumption of the alcohol by
9 the person under 21 is not otherwise permitted by this
10 Act.

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

24 A person shall not be in violation of this subsection (c)
25 if (A) he or she requests assistance from the police
26 department or other law enforcement agency to either (i)

1 remove any person who refuses to abide by the person's
2 performance of the duties imposed by this subsection (c) or
3 (ii) terminate the activity because the person has been unable
4 to prevent a person under the age of 21 years from consuming
5 alcohol despite having taken all reasonable steps to do so and
6 (B) this assistance is requested before any other person makes
7 a formal complaint to the police department or other law
8 enforcement agency about the activity.

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

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

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

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

2 (a) Unless issued a valid server training certificate
3 between July 1, 2012 and July 1, 2015 by a certified Beverage
4 Alcohol Sellers and Servers Education and Training (BASSET)
5 trainer, all alcohol servers in Cook County are required to
6 obtain and complete training in basic responsible alcohol
7 service as outlined in 77 Ill. Adm. Code 3500, as those
8 provisions exist on July 1, 2015 (the effective date of Public
9 Act 98-939), by July 1, 2015 or within 120 days after the
10 alcohol server begins his or her employment, whichever is
11 later. All alcohol servers in a county, other than Cook
12 County, with a population of 200,000 inhabitants or more are
13 required to obtain and complete training in basic responsible
14 alcohol service as outlined in 77 Ill. Adm. Code 3500, as those
15 provisions exist on July 1, 2015 (the effective date of Public
16 Act 98-939), by July 1, 2016 or within 120 days after the
17 alcohol server begins his or her employment, whichever is
18 later. All alcohol servers in a county with a population of
19 more than 30,000 inhabitants and less than 200,000 inhabitants
20 are required to obtain and complete training in basic
21 responsible alcohol service as outlined in 77 Ill. Adm. Code
22 3500, as those provisions exist on July 1, 2015 (the effective
23 date of Public Act 98-939), by July 1, 2017 or within 120 days
24 after the alcohol server begins his or her employment,
25 whichever is later. All alcohol servers in counties with a
26 population of 30,000 inhabitants or less are required to

1 obtain and complete training in basic responsible alcohol
2 service as outlined in 77 Ill. Adm. Code 3500, as those
3 provisions exist on July 1, 2015 (the effective date of Public
4 Act 98-939), by July 1, 2018 or within 120 days after the
5 alcohol server begins his or her employment, whichever is
6 later.

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

1 charitable function; or (iii) an instructor engaged in
2 training or educating on the proper technique for using a
3 system that dispenses alcoholic beverages.

4 (b) Responsible alcohol service training must cover and
5 assess knowledge of the topics noted in 77 Ill. Adm. Code
6 3500.155.

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

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

21 The State Commission shall only approve programs that meet
22 the following criteria:

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

25 (2) if the training course is classroom-based, the
26 classroom training is at least 4 hours, is available in

1 English and Spanish, and includes a test;

2 (3) if the training course is online or
3 computer-based, the course is designed in a way that
4 ensures that no content can be skipped, is interactive,
5 has audio for content for servers that have a disability,
6 and includes a test;

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

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

16 (6) the program must provide access on a
17 24-hour-per-day, 7-days-per-week basis for certificate
18 verification for State Commission, State law enforcement
19 officials, and employers to be able to verify certificate
20 authenticity.

21 (e) Nothing in subsection (d) of this Section shall be
22 construed to require a program to use a test administrator or
23 proctor.

24 (f) A certificate issued from a BASSET-licensed training
25 program shall be accepted as meeting the training requirements
26 for all server license and permit laws and ordinances in the

1 State.

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

4 (h) The provisions of this Section shall apply beginning
5 July 1, 2015. From July 1, 2015 through December 31, 2015,
6 enforcement of the provisions of this Section shall be limited
7 to education and notification of the requirements to encourage
8 compliance.

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

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

12 (235 ILCS 5/6-28.8)

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

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

16 (a) In this Section:

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

22 "Original container" means, for the purposes of this
23 Section only, a container that is ~~(i)~~ filled, sealed, and
24 secured by a retail licensee's employee at the retail
25 licensee's location with a tamper-evident lid or cap ~~or (ii)~~

1 ~~filled and labeled by the manufacturer and secured by the~~
2 ~~manufacturer's original unbroken seal.~~

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

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

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

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

20 (1) the cocktail, mixed drink, or single serving of
21 wine is transferred within the licensed premises, by a
22 curbside pickup, or by delivery by an employee of the
23 retail licensee who:

24 (A) has been trained in accordance with Section
25 6-27.1 at the time of the sale;

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

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

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

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

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

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

21 (B) the name, license number, and address of the
22 retail licensee that filled the original container and
23 sold the product;

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

26 (D) the sealed container was filled less than 7

1 days before the date of sale, ~~and~~

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

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

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

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

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

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

21 (3) a container of a mixed drink, cocktail, or single
22 serving of wine is transported in the passenger area of a
23 vehicle;

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

1 (5) the person delivering a mixed drink, cocktail, or
2 single serving of wine fails to verify the age of the
3 person to whom the mixed drink or cocktail is being
4 delivered.

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

9 ~~(f-5) This Section is not intended to prohibit or preempt~~
10 ~~the ability of a brew pub, tap room, or distilling pub to~~
11 ~~continue to temporarily deliver alcoholic liquor pursuant to~~
12 ~~guidance issued by the State Commission on March 19, 2020~~
13 ~~entitled "Illinois Liquor Control Commission, COVID-19 Related~~
14 ~~Actions, Guidance on Temporary Delivery of Alcoholic Liquor".~~
15 This Section shall only grant authorization to holders of
16 State of Illinois retail liquor licenses but not to licensees
17 that simultaneously hold any licensure or privilege to
18 manufacture alcoholic liquors within or outside of the State
19 of Illinois.

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

23 (h) This Section is repealed on August 1, 2028.
24 (Source: P.A. 102-8, eff. 6-2-21; 103-4, eff. 5-31-23.)

25 (235 ILCS 5/6-28.9 new)

1 Sec. 6-28.9. Third-party retailer delivery licensee
2 requirements.

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

17 (b) A third-party retailer delivery licensee shall make
18 deliveries of alcoholic liquor in accordance with the
19 following conditions:

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

1 on-premises consumption only.

2 (2) All alcoholic liquor deliveries pursuant to this
3 Section shall be for alcoholic liquor in the original
4 package. Alcoholic liquor sold pursuant to Section 6-28.8
5 may not be delivered by a third-party retailer delivery
6 licensee.

7 (3) A third-party retailer delivery licensee may
8 charge a consumer a reasonable delivery fee similar to
9 delivery fees for non-alcoholic liquor products but shall
10 not charge any fee calculated as a percentage of alcoholic
11 liquor sales.

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

18 (5) A third-party retailer delivery licensee shall
19 maintain a general liability insurance policy with a
20 liquor liability addendum for the minimum coverage
21 required by this Act. A third-party retailer delivery
22 licensee is liable for any sales and deliveries of
23 alcoholic liquor by its delivery agents to intoxicated
24 persons or persons under the age of 21.

25 (6) A third-party retailer delivery licensee is
26 subject to the provisions of Section 6-5 of this Act and

1 shall not receive anything of value from a licensed
2 manufacturer, non-resident dealer, distributor, importing
3 distributor, or foreign importer, including, but not
4 limited to, revenue for any advertisement or website
5 placement of alcoholic liquor products on a third-party
6 retailer delivery licensee website or online application.

7 (7) A third-party retailer delivery licensee shall not
8 resell alcoholic liquor nor shall a third-party retailer
9 delivery licensee deliver alcoholic liquor to a location
10 licensed to sell alcoholic liquor, except for private use
11 at locations licensed as a hotel, as defined in Section
12 1-3.25, or other similar accommodations.

13 (8) If the third-party retailer delivery licensee
14 advertises the price of alcoholic liquor, then the price
15 advertised shall be identical to the price charged by the
16 retailer licensee. All alcoholic liquor products offered
17 by a retailer licensee shall be offered by the third-party
18 retailer delivery 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 and determine the price at
22 which alcoholic liquor products are offered for sale by
23 the retailer licensee and delivered by the third-party
24 retailer delivery licensee.

25 (12) A retailer licensee may enter into a contract
26 with a third-party retailer delivery licensee for a fixed

1 fee for services, but the fee shall not be based on a
2 percentage of the total receipts of alcoholic liquor
3 sales. All contracts between the retailer licensee and a
4 third-party retailer delivery licensee shall be provided
5 by the retailer licensee or third-party retailer delivery
6 licensee upon the request of the State Commission.

7 (13) Subject to the review of the State Commission, a
8 third-party retailer delivery licensee shall use updated
9 identification scanning or similar technology for the
10 purpose of verifying the age and likeness of the
11 presenter.

12 (235 ILCS 5/6-28.10 new)

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

14 (a) For deliveries pursuant to subsection (d) of Section
15 5-1 and Section 6-28.9, a retailer licensee and third-party
16 retailer delivery licensee shall:

17 (1) conduct deliveries by a person 21 years of age or
18 over holding a valid Beverage Alcohol Sellers and Servers
19 Education Training (BASSET) certificate issued pursuant to
20 Section 6-27.1 of this Act. A third-party retailer
21 delivery licensee or a retailer engaged in the delivery of
22 alcoholic liquor may request a waiver of the BASSET
23 requirement for third-party retailer delivery licensee
24 contract deliverers or retailer employee deliverers if the
25 third-party retailer delivery licensee or retailer

1 provides proof of its training module or program
2 demonstrating to the satisfaction of the State Commission
3 that such training module or program satisfies BASSET
4 principles, such as underage or intoxicated person access
5 prevention;

6 (2) examine the data and the photograph on the
7 identification of the recipient and obtain the signature
8 from the recipient to verify the recipient is 21 years of
9 age or older. The data and the photograph of the recipient
10 shall demonstrate a reasonable likeness of the recipient;

11 (3) unless the contents of the delivery are prepared
12 and packaged by an agent of the third-party delivery
13 licensee, include a statement clearly visible on the
14 outside of the packaging that the delivery contains
15 alcoholic liquor not to be provided to any person under
16 the age of 21;

17 (4) fulfill the delivery order from the retailer
18 licensee's location nearest to the address of the
19 recipient;

20 (5) require the return of deliveries to the retailer
21 licensee's location from which the alcoholic liquor is
22 purchased if a delivery was attempted to an unqualified
23 recipient, delivery was attempted to a recipient who
24 refused delivery, or a delivery was unable to be completed
25 for any other reason. An unqualified recipient of an
26 alcoholic liquor delivery includes circumstances in which:

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

3 (B) the recipient refuses to sign for the receipt
4 of the delivery;

5 (C) the recipient is unable to produce valid
6 identification; or

7 (D) the recipient exhibits signs of intoxication;
8 and

9 (6) refuse to deliver alcoholic liquor to any
10 elementary school, secondary school, public playground, or
11 public park.

12 (b) Except for reasonable compensation provided to a
13 delivery person pursuant to customary delivery practices, a
14 retailer licensee or third-party retailer delivery licensee
15 shall not compensate delivery personnel on the basis of a
16 completed delivery but may compensate a delivery driver for a
17 return of undeliverable alcoholic liquor."