

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Section 5-1 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

17 (d) Retailer's license,

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

19 (f) Railroad license,

20 (g) Boat license,

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

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

23 (j) Airplane license,

- 1 (k) Foreign importer's license,
- 2 (l) Broker's license,
- 3 (m) Non-resident dealer's license,
- 4 (n) Brew Pub license,
- 5 (o) Auction liquor license,
- 6 (p) Caterer retailer license,
- 7 (q) Special use permit license,
- 8 (r) Winery shipper's license.

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

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

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

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

25 Class 3. A Brewer may make sales and deliveries of beer to  
26 importing distributors and distributors and may make sales as

1 authorized under subsection (e) of Section 6-4 of this Act.

2 Class 4. A first class wine-manufacturer may make sales and  
3 deliveries of up to 50,000 gallons of wine to manufacturers,  
4 importing distributors and distributors, and to no other  
5 licensees.

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

10 Class 6. A first-class wine-maker's license shall allow the  
11 manufacture of up to 50,000 gallons of wine per year, and the  
12 storage and sale of such wine to distributors in the State and  
13 to persons without the State, as may be permitted by law. A  
14 person who, prior to the effective date of this amendatory Act  
15 of the 95th General Assembly, is a holder of a first-class  
16 wine-maker's license and annually produces more than 25,000  
17 gallons of its own wine and who distributes its wine to  
18 licensed retailers shall cease this practice on or before July  
19 1, 2008 in compliance with this amendatory Act of the 95th  
20 General Assembly.

21 Class 7. A second-class wine-maker's license shall allow  
22 the manufacture of between 50,000 and 150,000 gallons of wine  
23 per year, and the storage and sale of such wine to distributors  
24 in this State and to persons without the State, as may be  
25 permitted by law. A person who, prior to the effective date of  
26 this amendatory Act of the 95th General Assembly, is a holder

1 of a second-class wine-maker's license and annually produces  
2 more than 25,000 gallons of its own wine and who distributes  
3 its wine to licensed retailers shall cease this practice on or  
4 before July 1, 2008 in compliance with this amendatory Act of  
5 the 95th General Assembly.

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

10 Class 9. A craft distiller license shall allow the  
11 manufacture of up to 30,000 gallons of spirits by distillation  
12 for one year after the effective date of this amendatory Act of  
13 the 97th General Assembly and up to 35,000 gallons of spirits  
14 by distillation per year thereafter and the storage of such  
15 spirits. If a craft distiller licensee is not affiliated with  
16 any other manufacturer, then the craft distiller licensee may  
17 sell such spirits to distributors in this State and up to 2,500  
18 gallons of such spirits to non-licensees to the extent  
19 permitted by any exemption approved by the Commission pursuant  
20 to Section 6-4 of this Act.

21 Any craft distiller licensed under this Act who on the  
22 effective date of this amendatory Act of the 96th General  
23 Assembly was licensed as a distiller and manufactured no more  
24 spirits than permitted by this Section shall not be required to  
25 pay the initial licensing fee.

26 Class 10. A craft brewer's license, which may only be

1 issued to a licensed brewer or licensed non-resident dealer,  
2 shall allow the manufacture of up to 465,000 gallons of beer  
3 per year. A craft brewer licensee may make sales and deliveries  
4 to importing distributors and distributors and to retail  
5 licensees in accordance with the conditions set forth in  
6 paragraph (18) of subsection (a) of Section 3-12 of this Act.

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

14 Registration of agents, representatives, or persons acting  
15 on behalf of a manufacturer is fulfilled by submitting a form  
16 to the Commission. The form shall be developed by the  
17 Commission and shall include the name and address of the  
18 applicant, the name and address of the manufacturer he or she  
19 represents, the territory or areas assigned to sell to or  
20 discuss pricing terms of alcoholic liquor, and any other  
21 questions deemed appropriate and necessary. All statements in  
22 the forms required to be made by law or by rule shall be deemed  
23 material, and any person who knowingly misstates any material  
24 fact under oath in an application is guilty of a Class B  
25 misdemeanor. Fraud, misrepresentation, false statements,  
26 misleading statements, evasions, or suppression of material

1 facts in the securing of a registration are grounds for  
2 suspension or revocation of the registration. The Commission  
3 shall post a list of registered agents on the Commission's  
4 website.

5 (b) A distributor's license shall allow the wholesale  
6 purchase and storage of alcoholic liquors and sale of alcoholic  
7 liquors to licensees in this State and to persons without the  
8 State, as may be permitted by law.

9 (c) An importing distributor's license may be issued to and  
10 held by those only who are duly licensed distributors, upon the  
11 filing of an application by a duly licensed distributor, with  
12 the Commission and the Commission shall, without the payment of  
13 any fee, immediately issue such importing distributor's  
14 license to the applicant, which shall allow the importation of  
15 alcoholic liquor by the licensee into this State from any point  
16 in the United States outside this State, and the purchase of  
17 alcoholic liquor in barrels, casks or other bulk containers and  
18 the bottling of such alcoholic liquors before resale thereof,  
19 but all bottles or containers so filled shall be sealed,  
20 labeled, stamped and otherwise made to comply with all  
21 provisions, rules and regulations governing manufacturers in  
22 the preparation and bottling of alcoholic liquors. The  
23 importing distributor's license shall permit such licensee to  
24 purchase alcoholic liquor from Illinois licensed non-resident  
25 dealers and foreign importers only.

26 (d) A retailer's license shall allow the licensee to sell

1 and offer for sale at retail, only in the premises specified in  
2 the license, alcoholic liquor for use or consumption, but not  
3 for resale in any form. Nothing in this amendatory Act of the  
4 95th General Assembly shall deny, limit, remove, or restrict  
5 the ability of a holder of a retailer's license to transfer,  
6 deliver, or ship alcoholic liquor to the purchaser for use or  
7 consumption subject to any applicable local law or ordinance.  
8 Any retail license issued to a manufacturer shall only permit  
9 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 retailer,  
14 (ii) an off premise sale retailer, or (iii) a combined on  
15 premise consumption and off premise sale retailer.

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

20 (e) A special event retailer's license (not-for-profit)  
21 shall permit the licensee to purchase alcoholic liquors from an  
22 Illinois licensed distributor (unless the licensee purchases  
23 less than \$500 of alcoholic liquors for the special event, in  
24 which case the licensee may purchase the alcoholic liquors from  
25 a licensed retailer) and shall allow the licensee to sell and  
26 offer for sale, at retail, alcoholic liquors for use or

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

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



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

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

24 (h) A non-beverage user's license shall allow the licensee  
25 to purchase alcoholic liquor from a licensed manufacturer or  
26 importing distributor, without the imposition of any tax upon

1 the business of such licensed manufacturer or importing  
 2 distributor as to such alcoholic liquor to be used by such  
 3 licensee solely for the non-beverage purposes set forth in  
 4 subsection (a) of Section 8-1 of this Act, and such licenses  
 5 shall be divided and classified and shall permit the purchase,  
 6 possession and use of limited and stated quantities of  
 7 alcoholic liquor as follows:

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

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

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

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

1 importing distributors. An airplane licensee shall also permit  
2 the sale or dispensing of alcoholic liquors on any passenger  
3 airplane regularly operated by a common carrier in this State,  
4 but shall not permit the sale for resale of any alcoholic  
5 liquors to any licensee within this State. A single airplane  
6 license shall be required of an airline company if liquor  
7 service is provided on board aircraft in this State. The annual  
8 fee for such license shall be as determined in Section 5-3.

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

24 (l) (i) A broker's license shall be required of all persons  
25 who solicit orders for, offer to sell or offer to supply  
26 alcoholic liquor to retailers in the State of Illinois, or who

1 offer to retailers to ship or cause to be shipped or to make  
2 contact with distillers, rectifiers, brewers or manufacturers  
3 or any other party within or without the State of Illinois in  
4 order that alcoholic liquors be shipped to a distributor,  
5 importing distributor or foreign importer, whether such  
6 solicitation or offer is consummated within or without the  
7 State of Illinois.

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

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

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

1 authorized in Section 6-29 of this Act.

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

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

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

15 (m) A non-resident dealer's license shall permit such  
16 licensee to ship into and warehouse alcoholic liquor into this  
17 State from any point outside of this State, and to sell such  
18 alcoholic liquor to Illinois licensed foreign importers and  
19 importing distributors and to no one else in this State;  
20 provided that (i) said non-resident dealer shall register with  
21 the Illinois Liquor Control Commission each and every brand of  
22 alcoholic liquor which it proposes to sell to Illinois  
23 licensees during the license period, (ii) it shall comply with  
24 all of the provisions of Section 6-9 hereof with respect to  
25 registration of such Illinois licensees as may be granted the  
26 right to sell such brands at wholesale, and (iii) the

1 non-resident dealer shall comply with the provisions of  
2 Sections 6-5 and 6-6 of this Act to the same extent that these  
3 provisions apply to manufacturers.

4 (n) A brew pub license shall allow the licensee (i) to  
5 manufacture beer only on the premises specified in the license,  
6 (ii) to make sales of the beer manufactured on the premises or,  
7 with the approval of the Commission, beer manufactured on  
8 another brew pub licensed premises that is substantially owned  
9 and operated by the same licensee to importing distributors,  
10 distributors, and to non-licensees for use and consumption,  
11 (iii) to store the beer upon the premises, and (iv) to sell and  
12 offer for sale at retail from the licensed premises, provided  
13 that a brew pub licensee shall not sell for off-premises  
14 consumption more than 50,000 gallons per year. A person who  
15 holds a brew pub license may simultaneously hold a craft brewer  
16 license if he or she otherwise qualifies for the craft brewer  
17 license and the craft brewer license is for a location separate  
18 from the brew pub's licensed premises. A brew pub license shall  
19 permit a person who has received prior approval from the  
20 Commission to annually transfer no more than a total of 50,000  
21 gallons of beer manufactured on premises to all other licensed  
22 brew pubs that are substantially owned and operated by the same  
23 person.

24 (o) A caterer retailer license shall allow the holder to  
25 serve alcoholic liquors as an incidental part of a food service  
26 that serves prepared meals which excludes the serving of snacks

1 as the primary meal, either on or off-site whether licensed or  
2 unlicensed.

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

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

25 (r) A winery shipper's license shall allow a person with a  
26 first-class or second-class wine manufacturer's license, a



1 first-class or second-class wine-maker's license, or a limited  
2 wine manufacturer's license or who is licensed to make wine  
3 under the laws of another state to ship wine made by that  
4 licensee directly to a resident of this State who is 21 years  
5 of age or older for that resident's personal use and not for  
6 resale. Prior to receiving a winery shipper's license, an  
7 applicant for the license must provide the Commission with a  
8 true copy of its current license in any state in which it is  
9 licensed as a manufacturer of wine. An applicant for a winery  
10 shipper's license must also complete an application form that  
11 provides any other information the Commission deems necessary.  
12 The application form shall include an acknowledgement  
13 consenting to the jurisdiction of the Commission, the Illinois  
14 Department of Revenue, and the courts of this State concerning  
15 the enforcement of this Act and any related laws, rules, and  
16 regulations, including authorizing the Department of Revenue  
17 and the Commission to conduct audits for the purpose of  
18 ensuring compliance with this amendatory Act.

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

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

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

18 (Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11; 97-455,  
19 eff. 8-19-11; 97-813, eff. 7-13-12; 97-1166, eff. 3-1-13.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.