



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1282

Introduced 2/9/2017, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/3-12  
235 ILCS 5/5-1  
235 ILCS 5/5-6

from Ch. 43, par. 115

Amends the Liquor Control Act of 1934. Removes provisions concerning third-party providers who ship wine on behalf of certain licensees, including reporting requirements, agency of a third-party provider, and rulemaking. Provides that grant funds from the Food and Drug Administration for conducting unannounced investigations of Illinois tobacco vendors are deposited into the Dram Shop Fund only until September 29, 2017. Removes an obsolete reporting requirement relating to compliance with the Federal ADAMHA Reorganization Act of 1992. Effective immediately.

LRB100 10282 RPS 20469 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 3-12, 5-1, and 5-6 as follows:

6 (235 ILCS 5/3-12)

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

8 (a) The State commission shall have the following powers,  
9 functions, and duties:

10 (1) To receive applications and to issue licenses to  
11 manufacturers, foreign importers, importing distributors,  
12 distributors, non-resident dealers, on premise consumption  
13 retailers, off premise sale retailers, special event  
14 retailer licensees, special use permit licenses, auction  
15 liquor licenses, brew pubs, caterer retailers,  
16 non-beverage users, railroads, including owners and  
17 lessees of sleeping, dining and cafe cars, airplanes,  
18 boats, brokers, and wine maker's premises licensees in  
19 accordance with the provisions of this Act, and to suspend  
20 or revoke such licenses upon the State commission's  
21 determination, upon notice after hearing, that a licensee  
22 has violated any provision of this Act or any rule or  
23 regulation issued pursuant thereto and in effect for 30

1 days prior to such violation. Except in the case of an  
2 action taken pursuant to a violation of Section 6-3, 6-5,  
3 or 6-9, any action by the State Commission to suspend or  
4 revoke a licensee's license may be limited to the license  
5 for the specific premises where the violation occurred.

6 In lieu of suspending or revoking a license, the  
7 commission may impose a fine, upon the State commission's  
8 determination and notice after hearing, that a licensee has  
9 violated any provision of this Act or any rule or  
10 regulation issued pursuant thereto and in effect for 30  
11 days prior to such violation.

12 For the purpose of this paragraph (1), when determining  
13 multiple violations for the sale of alcohol to a person  
14 under the age of 21, a second or subsequent violation for  
15 the sale of alcohol to a person under the age of 21 shall  
16 only be considered if it was committed within 5 years after  
17 the date when a prior violation for the sale of alcohol to  
18 a person under the age of 21 was committed.

19 The fine imposed under this paragraph may not exceed  
20 \$500 for each violation. Each day that the activity, which  
21 gave rise to the original fine, continues is a separate  
22 violation. The maximum fine that may be levied against any  
23 licensee, for the period of the license, shall not exceed  
24 \$20,000. The maximum penalty that may be imposed on a  
25 licensee for selling a bottle of alcoholic liquor with a  
26 foreign object in it or serving from a bottle of alcoholic

1 liquor with a foreign object in it shall be the destruction  
2 of that bottle of alcoholic liquor for the first 10 bottles  
3 so sold or served from by the licensee. For the eleventh  
4 bottle of alcoholic liquor and for each third bottle  
5 thereafter sold or served from by the licensee with a  
6 foreign object in it, the maximum penalty that may be  
7 imposed on the licensee is the destruction of the bottle of  
8 alcoholic liquor and a fine of up to \$50.

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

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

22 (4) To recommend to local commissioners rules and  
23 regulations, not inconsistent with the law, for the  
24 distribution and sale of alcoholic liquors throughout the  
25 State.

26 (5) To inspect, or cause to be inspected, any premises

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

8 (5.1) Upon receipt of a complaint or upon having  
9 knowledge that any person is engaged in business as a  
10 manufacturer, importing distributor, distributor, or  
11 retailer without a license or valid license, to notify the  
12 local liquor authority, file a complaint with the State's  
13 Attorney's Office of the county where the incident  
14 occurred, or initiate an investigation with the  
15 appropriate law enforcement officials.

16 (5.2) To issue a cease and desist notice to persons  
17 shipping alcoholic liquor into this State from a point  
18 outside of this State if the shipment is in violation of  
19 this Act.

20 (5.3) To receive complaints from licensees, local  
21 officials, law enforcement agencies, organizations, and  
22 persons stating that any licensee has been or is violating  
23 any provision of this Act or the rules and regulations  
24 issued pursuant to this Act. Such complaints shall be in  
25 writing, signed and sworn to by the person making the  
26 complaint, and shall state with specificity the facts in

1 relation to the alleged violation. If the Commission has  
2 reasonable grounds to believe that the complaint  
3 substantially alleges a violation of this Act or rules and  
4 regulations adopted pursuant to this Act, it shall conduct  
5 an investigation. If, after conducting an investigation,  
6 the Commission is satisfied that the alleged violation did  
7 occur, it shall proceed with disciplinary action against  
8 the licensee as provided in this Act.

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

15 (7) The commission shall establish uniform systems of  
16 accounts to be kept by all retail licensees having more  
17 than 4 employees, and for this purpose the commission may  
18 classify all retail licensees having more than 4 employees  
19 and establish a uniform system of accounts for each class  
20 and prescribe the manner in which such accounts shall be  
21 kept. The commission may also prescribe the forms of  
22 accounts to be kept by all retail licensees having more  
23 than 4 employees, including but not limited to accounts of  
24 earnings and expenses and any distribution, payment, or  
25 other distribution of earnings or assets, and any other  
26 forms, records and memoranda which in the judgment of the

1 commission may be necessary or appropriate to carry out any  
2 of the provisions of this Act, including but not limited to  
3 such forms, records and memoranda as will readily and  
4 accurately disclose at all times the beneficial ownership  
5 of such retail licensed business. The accounts, forms,  
6 records and memoranda shall be available at all reasonable  
7 times for inspection by authorized representatives of the  
8 State commission or by any local liquor control  
9 commissioner or his or her authorized representative. The  
10 commission, may, from time to time, alter, amend or repeal,  
11 in whole or in part, any uniform system of accounts, or the  
12 form and manner of keeping accounts.

13 (8) In the conduct of any hearing authorized to be held  
14 by the commission, to appoint, at the commission's  
15 discretion, hearing officers to conduct hearings involving  
16 complex issues or issues that will require a protracted  
17 period of time to resolve, to examine, or cause to be  
18 examined, under oath, any licensee, and to examine or cause  
19 to be examined the books and records of such licensee; to  
20 hear testimony and take proof material for its information  
21 in the discharge of its duties hereunder; to administer or  
22 cause to be administered oaths; for any such purpose to  
23 issue subpoena or subpoenas to require the attendance of  
24 witnesses and the production of books, which shall be  
25 effective in any part of this State, and to adopt rules to  
26 implement its powers under this paragraph (8).

1           Any Circuit Court may by order duly entered, require  
2           the attendance of witnesses and the production of relevant  
3           books subpoenaed by the State commission and the court may  
4           compel obedience to its order by proceedings for contempt.

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

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

17          (11) To develop industry educational programs related  
18          to responsible serving and selling, particularly in the  
19          areas of overserving consumers and illegal underage  
20          purchasing and consumption of alcoholic beverages.

21          (11.1) To license persons providing education and  
22          training to alcohol beverage sellers and servers for  
23          mandatory and non-mandatory training under the Beverage  
24          Alcohol Sellers and Servers Education and Training  
25          (BASSET) programs and to develop and administer a public  
26          awareness program in Illinois to reduce or eliminate the



1 illegal purchase and consumption of alcoholic beverage  
2 products by persons under the age of 21. Application for a  
3 license shall be made on forms provided by the State  
4 Commission.

5 (12) To develop and maintain a repository of license  
6 and regulatory information.

7 (13) (Blank). ~~On or before January 15, 1994, the~~  
8 ~~Commission shall issue a written report to the Governor and~~  
9 ~~General Assembly that is to be based on a comprehensive~~  
10 ~~study of the impact on and implications for the State of~~  
11 ~~Illinois of Section 1926 of the Federal ADAMHA~~  
12 ~~Reorganization Act of 1992 (Public Law 102-321). This study~~  
13 ~~shall address the extent to which Illinois currently~~  
14 ~~complies with the provisions of P.L. 102-321 and the rules~~  
15 ~~promulgated pursuant thereto.~~

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

18 ~~(i) the number of retail distributors of tobacco~~  
19 ~~products, by type and geographic area, in the State;~~

20 ~~(ii) the number of reported citations and~~  
21 ~~successful convictions, categorized by type and~~  
22 ~~location of retail distributor, for violation of the~~  
23 ~~Prevention of Tobacco Use by Minors and Sale and~~  
24 ~~Distribution of Tobacco Products Act and the Smokeless~~  
25 ~~Tobacco Limitation Act;~~

26 ~~(iii) the extent and nature of organized~~

1 ~~educational and governmental activities that are~~  
2 ~~intended to promote, encourage or otherwise secure~~  
3 ~~compliance with any Illinois laws that prohibit the~~  
4 ~~sale or distribution of tobacco products to minors; and~~  
5 ~~(iv) the level of access and availability of~~  
6 ~~tobacco products to individuals under the age of 18.~~

7 ~~To obtain the data necessary to comply with the~~  
8 ~~provisions of P.L. 102 321 and the requirements of this~~  
9 ~~report, the Commission shall conduct random, unannounced~~  
10 ~~inspections of a geographically and scientifically~~  
11 ~~representative sample of the State's retail tobacco~~  
12 ~~distributors.~~

13 ~~The Commission shall consult with the Department of~~  
14 ~~Public Health, the Department of Human Services, the~~  
15 ~~Illinois State Police and any other executive branch~~  
16 ~~agency, and private organizations that may have~~  
17 ~~information relevant to this report.~~

18 ~~The Commission may contract with the Food and Drug~~  
19 ~~Administration of the U.S. Department of Health and Human~~  
20 ~~Services to conduct unannounced investigations of Illinois~~  
21 ~~tobacco vendors to determine compliance with federal laws~~  
22 ~~relating to the illegal sale of cigarettes and smokeless~~  
23 ~~tobacco products to persons under the age of 18.~~

24 (14) On or before April 30, 2008 and every 2 years  
25 thereafter, the Commission shall present a written report  
26 to the Governor and the General Assembly that shall be

1 based on a study of the impact of Public Act 95-634 ~~this~~  
2 ~~amendatory Act of the 95th General Assembly~~ on the business  
3 of soliciting, selling, and shipping wine from inside and  
4 outside of this State directly to residents of this State.  
5 As part of its report, the Commission shall provide all of  
6 the following information:

7 (A) The amount of State excise and sales tax  
8 revenues generated.

9 (B) The amount of licensing fees received.

10 (C) The number of cases of wine shipped from inside  
11 and outside of this State directly to residents of this  
12 State.

13 (D) The number of alcohol compliance operations  
14 conducted.

15 (E) The number of winery shipper's licenses  
16 issued.

17 (F) The number of each of the following: reported  
18 violations; cease and desist notices issued by the  
19 Commission; notices of violations issued by the  
20 Commission and to the Department of Revenue; and  
21 notices and complaints of violations to law  
22 enforcement officials, including, without limitation,  
23 the Illinois Attorney General and the U.S. Department  
24 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

25 (15) As a means to reduce the underage consumption of  
26 alcoholic liquors, the Commission shall conduct alcohol

1 compliance operations to investigate whether businesses  
2 that are soliciting, selling, and shipping wine from inside  
3 or outside of this State directly to residents of this  
4 State are licensed by this State or are selling or  
5 attempting to sell wine to persons under 21 years of age in  
6 violation of this Act.

7 (16) The Commission shall, in addition to notifying any  
8 appropriate law enforcement agency, submit notices of  
9 complaints or violations of Sections 6-29 and 6-29.1 by  
10 persons who do not hold a winery shipper's license under  
11 this ~~amendatory~~ Act to the Illinois Attorney General and to  
12 the U.S. Department of Treasury's Alcohol and Tobacco Tax  
13 and Trade Bureau.

14 (17) (A) A person licensed to make wine under the laws  
15 of another state who has a winery shipper's license under  
16 this ~~amendatory~~ Act and annually produces less than 25,000  
17 gallons of wine or a person who has a first-class or  
18 second-class wine manufacturer's license, a first-class or  
19 second-class wine-maker's license, or a limited wine  
20 manufacturer's license under this Act and annually  
21 produces less than 25,000 gallons of wine may make  
22 application to the Commission for a self-distribution  
23 exemption to allow the sale of not more than 5,000 gallons  
24 of the exemption holder's wine to retail licensees per  
25 year.

26 (B) In the application, which shall be sworn under

1 penalty of perjury, such person shall state (1) the  
2 date it was established; (2) its volume of production  
3 and sales for each year since its establishment; (3)  
4 its efforts to establish distributor relationships;  
5 (4) that a self-distribution exemption is necessary to  
6 facilitate the marketing of its wine; and (5) that it  
7 will comply with the liquor and revenue laws of the  
8 United States, this State, and any other state where it  
9 is licensed.

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

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

1 revenue or liquor law of Illinois, exceeded production  
2 of 25,000 gallons of wine in any calendar year, or  
3 become part of an affiliated group producing more than  
4 25,000 gallons of wine or any other alcoholic liquor.

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

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

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

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

1 distributor business strategies. Limited  
2 self-distribution rights will afford and allow smaller  
3 makers of wine access to the marketplace in order to  
4 develop a customer base without impairing the  
5 integrity of the 3-tier system.

6 (18) (A) A class 1 brewer licensee, who must also be  
7 either a licensed brewer or licensed non-resident dealer  
8 and annually manufacture less than 930,000 gallons of beer,  
9 may make application to the State Commission for a  
10 self-distribution exemption to allow the sale of not more  
11 than 232,500 gallons of the exemption holder's beer to  
12 retail licensees per year.

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

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

1 shall approve the application for a self-distribution  
2 exemption if the class 1 brewer licensee: (1) is in  
3 compliance with the State, revenue, and alcoholic  
4 beverage laws; (2) is not a member of any affiliated  
5 group that manufactures ~~manufacturers~~ more than  
6 930,000 gallons of beer per annum or produces any other  
7 alcoholic beverages; (3) shall not annually  
8 manufacture for sale more than 930,000 gallons of beer;  
9 (4) shall not annually sell more than 232,500 gallons  
10 of its beer to retail licensees; and (5) has  
11 relinquished any brew pub license held by the licensee,  
12 including any ownership interest it held in the  
13 licensed brew pub.

14 (D) A self-distribution exemption holder shall  
15 annually certify to the State Commission its  
16 manufacture of beer during the previous 12 months and  
17 its anticipated manufacture and sales of beer for the  
18 next 12 months. The State Commission may fine, suspend,  
19 or revoke a self-distribution exemption after a  
20 hearing if it finds that the exemption holder has made  
21 a material misrepresentation in its application,  
22 violated a revenue or alcoholic beverage law of  
23 Illinois, exceeded the manufacture of 930,000 gallons  
24 of beer in any calendar year or became part of an  
25 affiliated group manufacturing more than 930,000  
26 gallons of beer or any other alcoholic beverage.



1           (E) The State Commission shall issue rules and  
2 regulations governing self-distribution exemptions  
3 consistent with this Act.

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

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

24           (b) On or before April 30, 1999, the Commission shall  
25 present a written report to the Governor and the General  
26 Assembly that shall be based on a study of the impact of Public

1 Act 90-739 ~~this amendatory Act of 1998~~ on the business of  
2 soliciting, selling, and shipping alcoholic liquor from  
3 outside of this State directly to residents of this State.

4 As part of its report, the Commission shall provide the  
5 following information:

6 (i) the amount of State excise and sales tax revenues  
7 generated as a result of Public Act 90-739 ~~this amendatory~~  
8 ~~Act of 1998~~;

9 (ii) the amount of licensing fees received as a result  
10 of Public Act 90-739 ~~this amendatory Act of 1998~~;

11 (iii) the number of reported violations, the number of  
12 cease and desist notices issued by the Commission, the  
13 number of notices of violations issued to the Department of  
14 Revenue, and the number of notices and complaints of  
15 violations to law enforcement officials.

16 (Source: P.A. 98-401, eff. 8-16-13; 98-939, eff. 7-1-15;  
17 98-941, eff. 1-1-15; 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;  
18 revised 9-13-16.)

19 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

22 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
23 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
24 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
25 First Class Winemaker, Class 7. Second Class Winemaker, Class

1 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class

2 10. Class 1 Brewer, Class 11. Class 2 Brewer,

3 (b) Distributor's license,

4 (c) Importing Distributor's license,

5 (d) Retailer's license,

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

7 (f) Railroad license,

8 (g) Boat license,

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

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

11 (j) Airplane license,

12 (k) Foreign importer's license,

13 (l) Broker's license,

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

15 (n) Brew Pub license,

16 (o) Auction liquor license,

17 (p) Caterer retailer license,

18 (q) Special use permit license,

19 (r) Winery shipper's license,

20 (s) Craft distiller tasting permit.

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

25 (a) A manufacturer's license shall allow the manufacture,  
26 importation in bulk, storage, distribution and sale of

1 alcoholic liquor to persons without the State, as may be  
2 permitted by law and to licensees in this State as follows:

3 Class 1. A Distiller may make sales and deliveries of  
4 alcoholic liquor to distillers, rectifiers, importing  
5 distributors, distributors and non-beverage users and to no  
6 other licensees.

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

11 Class 3. A Brewer may make sales and deliveries of beer to  
12 importing distributors and distributors and may make sales as  
13 authorized under subsection (e) of Section 6-4 of this Act.

14 Class 4. A first class wine-manufacturer may make sales and  
15 deliveries of up to 50,000 gallons of wine to manufacturers,  
16 importing distributors and distributors, and to no other  
17 licensees.

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

22 Class 6. A first-class wine-maker's license shall allow the  
23 manufacture of up to 50,000 gallons of wine per year, and the  
24 storage and sale of such wine to distributors in the State and  
25 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 first-class wine-maker's license  
2 and annually produces more than 25,000 gallons of its own wine  
3 and who distributes its wine to licensed retailers shall cease  
4 this practice on or before July 1, 2008 in compliance with  
5 Public Act 95-634.

6 Class 7. A second-class wine-maker's license shall allow  
7 the manufacture of between 50,000 and 150,000 gallons of wine  
8 per year, and the storage and sale of such wine to distributors  
9 in this State and to persons without the State, as may be  
10 permitted by law. A person who, prior to June 1, 2008 (the  
11 effective date of Public Act 95-634), is a holder of a  
12 second-class wine-maker's license and annually produces more  
13 than 25,000 gallons of its own wine and who distributes its  
14 wine to licensed retailers shall cease this practice on or  
15 before July 1, 2008 in compliance with Public Act 95-634.

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

20 Class 9. A craft distiller license shall allow the  
21 manufacture of up to 100,000 ~~March 1, 2013 (Public Act 97-1166)~~  
22 gallons of spirits by distillation per year and the storage of  
23 such spirits. If a craft distiller licensee, including a craft  
24 distiller licensee who holds more than one craft distiller  
25 license, is not affiliated with any other manufacturer of  
26 spirits, then the craft distiller licensee may sell such

1 spirits to distributors in this State and up to 2,500 gallons  
2 of such spirits to non-licensees to the extent permitted by any  
3 exemption approved by the Commission pursuant to Section 6-4 of  
4 this Act. A craft distiller license holder may store such  
5 spirits at a non-contiguous licensed location, but at no time  
6 shall a craft distiller license holder directly or indirectly  
7 produce in the aggregate more than 100,000 gallons of spirits  
8 per year.

9 A craft distiller licensee may hold more than one craft  
10 distiller's license. However, a craft distiller that holds more  
11 than one craft distiller license shall not manufacture, in the  
12 aggregate, more than 100,000 gallons of spirits by distillation  
13 per year and shall not sell, in the aggregate, more than 2,500  
14 gallons of such spirits to non-licensees in accordance with an  
15 exemption approved by the State Commission pursuant to Section  
16 6-4 of this Act.

17 Any craft distiller licensed under this Act who on July 28,  
18 2010 (the effective date of Public Act 96-1367) was licensed as  
19 a distiller and manufactured no more spirits than permitted by  
20 this Section shall not be required to pay the initial licensing  
21 fee.

22 Class 10. A class 1 brewer license, which may only be  
23 issued to a licensed brewer or licensed non-resident dealer,  
24 shall allow the manufacture of up to 930,000 gallons of beer  
25 per year provided that the class 1 brewer licensee does not  
26 manufacture more than a combined 930,000 gallons of beer per

1 year and is not a member of or affiliated with, directly or  
2 indirectly, a manufacturer that produces more than 930,000  
3 gallons of beer per year or any other alcoholic liquor. A class  
4 1 brewer licensee may make sales and deliveries to importing  
5 distributors and distributors and to retail licensees in  
6 accordance with the conditions set forth in paragraph (18) of  
7 subsection (a) of Section 3-12 of this Act.

8 Class 11. A class 2 brewer license, which may only be  
9 issued to a licensed brewer or licensed non-resident dealer,  
10 shall allow the manufacture of up to 3,720,000 gallons of beer  
11 per year provided that the class 2 brewer licensee does not  
12 manufacture more than a combined 3,720,000 gallons of beer per  
13 year and is not a member of or affiliated with, directly or  
14 indirectly, a manufacturer that produces more than 3,720,000  
15 gallons of beer per year or any other alcoholic liquor. A class  
16 2 brewer licensee may make sales and deliveries to importing  
17 distributors and distributors, but shall not make sales or  
18 deliveries to any other licensee. If the State Commission  
19 provides prior approval, a class 2 brewer licensee may annually  
20 transfer up to 3,720,000 gallons of beer manufactured by that  
21 class 2 brewer licensee to the premises of a licensed class 2  
22 brewer wholly owned and operated by the same licensee.

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

1 who contact licensed retailers on a regular and continual basis  
2 in this State must register those agents, representatives, or  
3 persons acting on its behalf with the 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 the wholesale  
22 purchase and storage of alcoholic liquors and sale of alcoholic  
23 liquors to licensees in this State and to persons without the  
24 State, as may be permitted by law. No person licensed as a  
25 distributor shall be granted a non-resident dealer's license.

26 (c) An importing distributor's license may be issued to and



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

19 (d) A retailer's license shall allow the licensee to sell  
20 and offer for sale at retail, only in the premises specified in  
21 the license, alcoholic liquor for use or consumption, but not  
22 for resale in any form. Nothing in Public Act 95-634 shall  
23 deny, limit, remove, or restrict the ability of a holder of a  
24 retailer's license to transfer, deliver, or ship alcoholic  
25 liquor to the purchaser for use or consumption subject to any  
26 applicable local law or ordinance. Any retail license issued to

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

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

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

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

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

1 and provided further, that railroad licensees exercising the  
2 above powers shall be subject to all provisions of Article VIII  
3 of this Act as applied to importing distributors. A railroad  
4 license shall also permit the licensee to sell or dispense  
5 alcoholic liquors on any club, buffet, lounge or dining car  
6 operated on an electric, gas or steam railway regularly  
7 operated by a common carrier in this State, but shall not  
8 permit the sale for resale of any alcoholic liquors to any  
9 licensee within this State. A license shall be obtained for  
10 each car in which such sales are made.

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

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

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

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

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

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

1 fee for such license shall be as determined in Section 5-3.

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

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

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

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

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

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

25          This subsection (1) shall not apply to distributors,  
26          employees of distributors, or employees of a manufacturer who



1 has registered the trademark, brand or name of the alcoholic  
2 liquor pursuant to Section 6-9 of this Act, and who regularly  
3 sells such alcoholic liquor in the State of Illinois only to  
4 its registrants thereunder.

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

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

25 (n) A brew pub license shall allow the licensee to only (i)  
26 manufacture up to 155,000 gallons of beer per year only on the

1 premises specified in the license, (ii) make sales of the beer  
2 manufactured on the premises or, with the approval of the  
3 Commission, beer manufactured on another brew pub licensed  
4 premises that is wholly owned and operated by the same licensee  
5 to importing distributors, distributors, and to non-licensees  
6 for use and consumption, (iii) store the beer upon the  
7 premises, (iv) sell and offer for sale at retail from the  
8 licensed premises for off-premises consumption no more than  
9 155,000 gallons per year so long as such sales are only made  
10 in-person, (v) sell and offer for sale at retail for use and  
11 consumption on the premises specified in the license any form  
12 of alcoholic liquor purchased from a licensed distributor or  
13 importing distributor, and (vi) with the prior approval of the  
14 Commission, annually transfer no more than 155,000 gallons of  
15 beer manufactured on the premises to a licensed brew pub wholly  
16 owned and operated by the same licensee.

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

20 A person who holds a class 2 brewer license may  
21 simultaneously hold a brew pub license if the class 2 brewer  
22 (i) does not, under any circumstance, sell or offer for sale  
23 beer manufactured by the class 2 brewer to retail licensees;  
24 (ii) does not hold more than 3 brew pub licenses in this State;  
25 (iii) does not manufacture more than a combined 3,720,000  
26 gallons of beer per year, including the beer manufactured at

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

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

18 (o) A caterer retailer license shall allow the holder to  
19 serve alcoholic liquors as an incidental part of a food service  
20 that serves prepared meals which excludes the serving of snacks  
21 as the primary meal, either on or off-site whether licensed or  
22 unlicensed.

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

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

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

19 (r) A winery shipper's license shall allow a person with a  
20 first-class or second-class wine manufacturer's license, a  
21 first-class or second-class wine-maker's license, or a limited  
22 wine manufacturer's license or who is licensed to make wine  
23 under the laws of another state to ship wine made by that  
24 licensee directly to a resident of this State who is 21 years  
25 of age or older for that resident's personal use and not for  
26 resale. Prior to receiving a winery shipper's license, an

1 applicant for the license must provide the Commission with a  
2 true copy of its current license in any state in which it is  
3 licensed as a manufacturer of wine. An applicant for a winery  
4 shipper's license must also complete an application form that  
5 provides any other information the Commission deems necessary.  
6 ~~The application form shall include all addresses from which the~~  
7 ~~applicant for a winery shipper's license intends to ship wine,~~  
8 ~~including the name and address of any third party, except for a~~  
9 ~~common carrier, authorized to ship wine on behalf of the~~  
10 ~~manufacturer.~~ The application form shall include an  
11 acknowledgement consenting to the jurisdiction of the  
12 Commission, the Illinois Department of Revenue, and the courts  
13 of this State concerning the enforcement of this Act and any  
14 related laws, rules, and regulations, including authorizing  
15 the Department of Revenue and the Commission to conduct audits  
16 for the purpose of ensuring compliance with Public Act 95-634,  
17 and an acknowledgement that the wine manufacturer is in  
18 compliance with Section 6-2 of this Act. ~~Any third party,~~  
19 ~~except for a common carrier, authorized to ship wine on behalf~~  
20 ~~of a first class or second class wine manufacturer's licensee,~~  
21 ~~a first class or second class wine maker's licensee, a limited~~  
22 ~~wine manufacturer's licensee, or a person who is licensed to~~  
23 ~~make wine under the laws of another state shall also be~~  
24 ~~disclosed by the winery shipper's licensee, and a copy of the~~  
25 ~~written appointment of the third party wine provider, except~~  
26 ~~for a common carrier, to the wine manufacturer shall be filed~~

1 ~~with the State Commission as a supplement to the winery~~  
2 ~~shipper's license application or any renewal thereof. The~~  
3 ~~winery shipper's license holder shall affirm under penalty of~~  
4 ~~perjury, as part of the winery shipper's license application or~~  
5 ~~renewal, that he or she only ships wine, either directly or~~  
6 ~~indirectly through a third party provider, from the licensee's~~  
7 ~~own production.~~

8 ~~Except for a common carrier, a third party provider~~  
9 ~~shipping wine on behalf of a winery shipper's license holder is~~  
10 ~~the agent of the winery shipper's license holder and, as such,~~  
11 ~~a winery shipper's license holder is responsible for the acts~~  
12 ~~and omissions of the third party provider acting on behalf of~~  
13 ~~the license holder. A third party provider, except for a common~~  
14 ~~carrier, that engages in shipping wine into Illinois on behalf~~  
15 ~~of a winery shipper's license holder shall consent to the~~  
16 ~~jurisdiction of the State Commission and the State. Any~~  
17 ~~third party, except for a common carrier, holding such an~~  
18 ~~appointment shall, by February 1 of each calendar year, file~~  
19 ~~with the State Commission a statement detailing each shipment~~  
20 ~~made to an Illinois resident. The State Commission shall adopt~~  
21 ~~rules as soon as practicable to implement the requirements of~~  
22 ~~this amendatory Act of the 99th General Assembly and shall~~  
23 ~~adopt rules prohibiting any such third party appointment of a~~  
24 ~~third party provider, except for a common carrier, that has~~  
25 ~~been deemed by the State Commission to have violated the~~  
26 ~~provisions of this Act with regard to any winery shipper~~

1 ~~licensee.~~

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

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

26 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of

1 Section 3-12, the State Commission may receive, respond to, and  
2 investigate any complaint and impose any of the remedies  
3 specified in paragraph (1) of subsection (a) of Section 3-12.

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

17 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;  
18 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; 99-642, eff.  
19 7-28-16; 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904,  
20 eff. 1-1-17; revised 9-15-16.)

21 (235 ILCS 5/5-6)

22 Sec. 5-6. FDA grant funds. Grant funds received from the  
23 Food and Drug Administration of the U.S. Department of Health  
24 and Human Services for conducting unannounced investigations  
25 of Illinois tobacco vendors shall be deposited into the Dram



1 Shop Fund until September 29, 2017.

2 (Source: P.A. 90-9, eff. 7-1-97.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.