



Sen. Dan McConchie

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LRB100 15372 RPS 32961 a

1 AMENDMENT TO SENATE BILL 2286

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2286 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 3-12, 5-1, 5-3, and 6-4 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

1 lessees of sleeping, dining and cafe cars, airplanes,  
2 boats, brokers, and wine maker's premises licensees in  
3 accordance with the provisions of this Act, and to suspend  
4 or revoke such licenses upon the State commission's  
5 determination, upon notice after hearing, that a licensee  
6 has violated any provision of this Act or any rule or  
7 regulation issued pursuant thereto and in effect for 30  
8 days prior to such violation. Except in the case of an  
9 action taken pursuant to a violation of Section 6-3, 6-5,  
10 or 6-9, any action by the State Commission to suspend or  
11 revoke a licensee's license may be limited to the license  
12 for the specific premises where the violation occurred. An  
13 action for a violation of this Act shall be commenced by  
14 the State Commission within 2 years after the date the  
15 State Commission becomes aware of the violation.

16 In lieu of suspending or revoking a license, the  
17 commission may impose a fine, upon the State commission's  
18 determination and notice after hearing, that a licensee has  
19 violated any provision of this Act or any rule or  
20 regulation issued pursuant thereto and in effect for 30  
21 days prior to such violation.

22 For the purpose of this paragraph (1), when determining  
23 multiple violations for the sale of alcohol to a person  
24 under the age of 21, a second or subsequent violation for  
25 the sale of alcohol to a person under the age of 21 shall  
26 only be considered if it was committed within 5 years after

1 the date when a prior violation for the sale of alcohol to  
2 a person under the age of 21 was committed.

3 The fine imposed under this paragraph may not exceed  
4 \$500 for each violation. Each day that the activity, which  
5 gave rise to the original fine, continues is a separate  
6 violation. The maximum fine that may be levied against any  
7 licensee, for the period of the license, shall not exceed  
8 \$20,000. The maximum penalty that may be imposed on a  
9 licensee for selling a bottle of alcoholic liquor with a  
10 foreign object in it or serving from a bottle of alcoholic  
11 liquor with a foreign object in it shall be the destruction  
12 of that bottle of alcoholic liquor for the first 10 bottles  
13 so sold or served from by the licensee. For the eleventh  
14 bottle of alcoholic liquor and for each third bottle  
15 thereafter sold or served from by the licensee with a  
16 foreign object in it, the maximum penalty that may be  
17 imposed on the licensee is the destruction of the bottle of  
18 alcoholic liquor and a fine of up to \$50.

19 Any notice issued by the State Commission to a licensee  
20 for a violation of this Act or any notice with respect to  
21 settlement or offer in compromise shall include the field  
22 report, photographs, and any other supporting  
23 documentation necessary to reasonably inform the licensee  
24 of the nature and extent of the violation or the conduct  
25 alleged to have occurred.

26 (2) To adopt such rules and regulations consistent with

1 the provisions of this Act which shall be necessary to  
2 carry on its functions and duties to the end that the  
3 health, safety and welfare of the People of the State of  
4 Illinois shall be protected and temperance in the  
5 consumption of alcoholic liquors shall be fostered and  
6 promoted and to distribute copies of such rules and  
7 regulations to all licensees affected thereby.

8 (3) To call upon other administrative departments of  
9 the State, county and municipal governments, county and  
10 city police departments and upon prosecuting officers for  
11 such information and assistance as it deems necessary in  
12 the performance of its duties.

13 (4) To recommend to local commissioners rules and  
14 regulations, not inconsistent with the law, for the  
15 distribution and sale of alcoholic liquors throughout the  
16 State.

17 (5) To inspect, or cause to be inspected, any premises  
18 in this State where alcoholic liquors are manufactured,  
19 distributed, warehoused, or sold. Nothing in this Act  
20 authorizes an agent of the Commission to inspect private  
21 areas within the premises without reasonable suspicion or a  
22 warrant during an inspection. "Private areas" include, but  
23 are not limited to, safes, personal property, and closed  
24 desks.

25 (5.1) Upon receipt of a complaint or upon having  
26 knowledge that any person is engaged in business as a

1 manufacturer, importing distributor, distributor, or  
2 retailer without a license or valid license, to notify the  
3 local liquor authority, file a complaint with the State's  
4 Attorney's Office of the county where the incident  
5 occurred, or initiate an investigation with the  
6 appropriate law enforcement officials.

7 (5.2) To issue a cease and desist notice to persons  
8 shipping alcoholic liquor into this State from a point  
9 outside of this State if the shipment is in violation of  
10 this Act.

11 (5.3) To receive complaints from licensees, local  
12 officials, law enforcement agencies, organizations, and  
13 persons stating that any licensee has been or is violating  
14 any provision of this Act or the rules and regulations  
15 issued pursuant to this Act. Such complaints shall be in  
16 writing, signed and sworn to by the person making the  
17 complaint, and shall state with specificity the facts in  
18 relation to the alleged violation. If the Commission has  
19 reasonable grounds to believe that the complaint  
20 substantially alleges a violation of this Act or rules and  
21 regulations adopted pursuant to this Act, it shall conduct  
22 an investigation. If, after conducting an investigation,  
23 the Commission is satisfied that the alleged violation did  
24 occur, it shall proceed with disciplinary action against  
25 the licensee as provided in this Act.

26 (6) To hear and determine appeals from orders of a

1 local commission in accordance with the provisions of this  
2 Act, as hereinafter set forth. Hearings under this  
3 subsection shall be held in Springfield or Chicago, at  
4 whichever location is the more convenient for the majority  
5 of persons who are parties to the hearing.

6 (7) The commission shall establish uniform systems of  
7 accounts to be kept by all retail licensees having more  
8 than 4 employees, and for this purpose the commission may  
9 classify all retail licensees having more than 4 employees  
10 and establish a uniform system of accounts for each class  
11 and prescribe the manner in which such accounts shall be  
12 kept. The commission may also prescribe the forms of  
13 accounts to be kept by all retail licensees having more  
14 than 4 employees, including but not limited to accounts of  
15 earnings and expenses and any distribution, payment, or  
16 other distribution of earnings or assets, and any other  
17 forms, records and memoranda which in the judgment of the  
18 commission may be necessary or appropriate to carry out any  
19 of the provisions of this Act, including but not limited to  
20 such forms, records and memoranda as will readily and  
21 accurately disclose at all times the beneficial ownership  
22 of such retail licensed business. The accounts, forms,  
23 records and memoranda shall be available at all reasonable  
24 times for inspection by authorized representatives of the  
25 State commission or by any local liquor control  
26 commissioner or his or her authorized representative. The

1 commission, may, from time to time, alter, amend or repeal,  
2 in whole or in part, any uniform system of accounts, or the  
3 form and manner of keeping accounts.

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

18 Any Circuit Court may by order duly entered, require  
19 the attendance of witnesses and the production of relevant  
20 books subpoenaed by the State commission and the court may  
21 compel obedience to its order by proceedings for contempt.

22 (9) To investigate the administration of laws in  
23 relation to alcoholic liquors in this and other states and  
24 any foreign countries, and to recommend from time to time  
25 to the Governor and through him or her to the legislature  
26 of this State, such amendments to this Act, if any, as it

1 may think desirable and as will serve to further the  
2 general broad purposes contained in Section 1-2 hereof.

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

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

12 (11.1) To license persons providing education and  
13 training to alcohol beverage sellers and servers for  
14 mandatory and non-mandatory training under the Beverage  
15 Alcohol Sellers and Servers Education and Training  
16 (BASSET) programs and to develop and administer a public  
17 awareness program in Illinois to reduce or eliminate the  
18 illegal purchase and consumption of alcoholic beverage  
19 products by persons under the age of 21. Application for a  
20 license shall be made on forms provided by the State  
21 Commission.

22 (12) To develop and maintain a repository of license  
23 and regulatory information.

24 (13) On or before January 15, 1994, the Commission  
25 shall issue a written report to the Governor and General  
26 Assembly that is to be based on a comprehensive study of



1 the impact on and implications for the State of Illinois of  
2 Section 1926 of the federal ADAMHA Reorganization Act of  
3 1992 (Public Law 102-321). This study shall address the  
4 extent to which Illinois currently complies with the  
5 provisions of P.L. 102-321 and the rules promulgated  
6 pursuant thereto.

7 As part of its report, the Commission shall provide the  
8 following essential information:

9 (i) the number of retail distributors of tobacco  
10 products, by type and geographic area, in the State;

11 (ii) the number of reported citations and  
12 successful convictions, categorized by type and  
13 location of retail distributor, for violation of the  
14 Prevention of Tobacco Use by Minors and Sale and  
15 Distribution of Tobacco Products Act and the Smokeless  
16 Tobacco Limitation Act;

17 (iii) the extent and nature of organized  
18 educational and governmental activities that are  
19 intended to promote, encourage or otherwise secure  
20 compliance with any Illinois laws that prohibit the  
21 sale or distribution of tobacco products to minors; and

22 (iv) the level of access and availability of  
23 tobacco products to individuals under the age of 18.

24 To obtain the data necessary to comply with the  
25 provisions of P.L. 102-321 and the requirements of this  
26 report, the Commission shall conduct random, unannounced

1 inspections of a geographically and scientifically  
2 representative sample of the State's retail tobacco  
3 distributors.

4 The Commission shall consult with the Department of  
5 Public Health, the Department of Human Services, the  
6 Illinois State Police and any other executive branch  
7 agency, and private organizations that may have  
8 information relevant to this report.

9 The Commission may contract with the Food and Drug  
10 Administration of the U.S. Department of Health and Human  
11 Services to conduct unannounced investigations of Illinois  
12 tobacco vendors to determine compliance with federal laws  
13 relating to the illegal sale of cigarettes and smokeless  
14 tobacco products to persons under the age of 18.

15 (14) On or before April 30, 2008 and every 2 years  
16 thereafter, the Commission shall present a written report  
17 to the Governor and the General Assembly that shall be  
18 based on a study of the impact of Public Act 95-634 on the  
19 business of soliciting, selling, and shipping wine from  
20 inside and outside of this State directly to residents of  
21 this State. As part of its report, the Commission shall  
22 provide all of the following information:

23 (A) The amount of State excise and sales tax  
24 revenues generated.

25 (B) The amount of licensing fees received.

26 (C) The number of cases of wine shipped from inside

1 and outside of this State directly to residents of this  
2 State.

3 (D) The number of alcohol compliance operations  
4 conducted.

5 (E) The number of winery shipper's licenses  
6 issued.

7 (F) The number of each of the following: reported  
8 violations; cease and desist notices issued by the  
9 Commission; notices of violations issued by the  
10 Commission and to the Department of Revenue; and  
11 notices and complaints of violations to law  
12 enforcement officials, including, without limitation,  
13 the Illinois Attorney General and the U.S. Department  
14 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

15 (15) As a means to reduce the underage consumption of  
16 alcoholic liquors, the Commission shall conduct alcohol  
17 compliance operations to investigate whether businesses  
18 that are soliciting, selling, and shipping wine from inside  
19 or outside of this State directly to residents of this  
20 State are licensed by this State or are selling or  
21 attempting to sell wine to persons under 21 years of age in  
22 violation of this Act.

23 (16) The Commission shall, in addition to notifying any  
24 appropriate law enforcement agency, submit notices of  
25 complaints or violations of Sections 6-29 and 6-29.1 by  
26 persons who do not hold a winery shipper's license under

1           this Act to the Illinois Attorney General and to the U.S.  
2           Department of Treasury's Alcohol and Tobacco Tax and Trade  
3           Bureau.

4           (17) (A) A person licensed to make wine under the laws  
5           of another state who has a winery shipper's license under  
6           this Act and annually produces less than 25,000 gallons of  
7           wine or a person who has a first-class or second-class wine  
8           manufacturer's license, a first-class or second-class  
9           wine-maker's license, or a limited wine manufacturer's  
10          license under this Act and annually produces less than  
11          25,000 gallons of wine may make application to the  
12          Commission for a self-distribution exemption to allow the  
13          sale of not more than 5,000 gallons of the exemption  
14          holder's wine to retail licensees per year.

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

24          (C) The Commission shall approve the application for a  
25          self-distribution exemption if such person: (1) is in  
26          compliance with State revenue and liquor laws; (2) is not a

1 member of any affiliated group that produces more than  
2 25,000 gallons of wine per annum or produces any other  
3 alcoholic liquor; (3) will not annually produce for sale  
4 more than 25,000 gallons of wine; and (4) will not annually  
5 sell more than 5,000 gallons of its wine to retail  
6 licensees.

7 (D) A self-distribution exemption holder shall  
8 annually certify to the Commission its production of wine  
9 in the previous 12 months and its anticipated production  
10 and sales for the next 12 months. The Commission may fine,  
11 suspend, or revoke a self-distribution exemption after a  
12 hearing if it finds that the exemption holder has made a  
13 material misrepresentation in its application, violated a  
14 revenue or liquor law of Illinois, exceeded production of  
15 25,000 gallons of wine in any calendar year, or become part  
16 of an affiliated group producing more than 25,000 gallons  
17 of wine or any other alcoholic liquor.

18 (E) Except in hearings for violations of this Act or  
19 Public Act 95-634 or a bona fide investigation by duly  
20 sworn law enforcement officials, the Commission, or its  
21 agents, the Commission shall maintain the production and  
22 sales information of a self-distribution exemption holder  
23 as confidential and shall not release such information to  
24 any person.

25 (F) The Commission shall issue regulations governing  
26 self-distribution exemptions consistent with this Section

1 and this Act.

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

6 (H) It is the intent of this subsection (17) to promote  
7 and continue orderly markets. The General Assembly finds  
8 that in order to preserve Illinois' regulatory  
9 distribution system it is necessary to create an exception  
10 for smaller makers of wine as their wines are frequently  
11 adjusted in varietals, mixes, vintages, and taste to find  
12 and create market niches sometimes too small for  
13 distributor or importing distributor business strategies.  
14 Limited self-distribution rights will afford and allow  
15 smaller makers of wine access to the marketplace in order  
16 to develop a customer base without impairing the integrity  
17 of the 3-tier system.

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

25 (B) In the application, which shall be sworn under  
26 penalty of perjury, the class 1 brewer licensee shall state

1 (1) the date it was established; (2) its volume of beer  
2 manufactured and sold for each year since its  
3 establishment; (3) its efforts to establish distributor  
4 relationships; (4) that a self-distribution exemption is  
5 necessary to facilitate the marketing of its beer; and (5)  
6 that it will comply with the alcoholic beverage and revenue  
7 laws of the United States, this State, and any other state  
8 where it is licensed.

9 (C) Any application submitted shall be posted on the  
10 State Commission's website at least 45 days prior to action  
11 by the State Commission. The State Commission shall approve  
12 the application for a self-distribution exemption if the  
13 class 1 brewer licensee: (1) is in compliance with the  
14 State, revenue, and alcoholic beverage laws; (2) is not a  
15 member of any affiliated group that manufactures more than  
16 930,000 gallons of beer per annum or produces any other  
17 alcoholic beverages; (3) shall not annually manufacture  
18 for sale more than 930,000 gallons of beer; (4) shall not  
19 annually sell more than 232,500 gallons of its beer to  
20 retail licensees; and (5) has relinquished any brew pub  
21 license held by the licensee, including any ownership  
22 interest it held in the licensed brew pub.

23 (D) A self-distribution exemption holder shall  
24 annually certify to the State Commission its manufacture of  
25 beer during the previous 12 months and its anticipated  
26 manufacture and sales of beer for the next 12 months. The

1 State Commission may fine, suspend, or revoke a  
2 self-distribution exemption after a hearing if it finds  
3 that the exemption holder has made a material  
4 misrepresentation in its application, violated a revenue  
5 or alcoholic beverage law of Illinois, exceeded the  
6 manufacture of 930,000 gallons of beer in any calendar year  
7 or became part of an affiliated group manufacturing more  
8 than 930,000 gallons of beer or any other alcoholic  
9 beverage.

10 (E) The State Commission shall issue rules and  
11 regulations governing self-distribution exemptions  
12 consistent with this Act.

13 (F) Nothing in this paragraph (18) shall prohibit a  
14 self-distribution exemption holder from entering into or  
15 simultaneously having a distribution agreement with a  
16 licensed Illinois importing distributor or a distributor.  
17 If a self-distribution exemption holder enters into a  
18 distribution agreement and has assigned distribution  
19 rights to an importing distributor or distributor, then the  
20 self-distribution exemption holder's distribution rights  
21 in the assigned territories shall cease in a reasonable  
22 time not to exceed 60 days.

23 (G) It is the intent of this paragraph (18) to promote  
24 and continue orderly markets. The General Assembly finds  
25 that in order to preserve Illinois' regulatory  
26 distribution system, it is necessary to create an exception



1 for smaller manufacturers in order to afford and allow such  
2 smaller manufacturers of beer access to the marketplace in  
3 order to develop a customer base without impairing the  
4 integrity of the 3-tier system.

5 (19) (A) A class 1 craft distiller, who must annually  
6 manufacture less than 10,000 gallons of spirits by  
7 distillation, may make application to the State Commission  
8 for a self-distribution exemption to allow the sale of not  
9 more than 2,500 gallons of the exemption holder's distilled  
10 spirits to retail licensees per year.

11 (B) In the application, which shall be sworn under  
12 penalty of perjury, the class 1 craft distiller shall  
13 state: (1) the date it was established; (2) its volume of  
14 production and sales for each year since its establishment;  
15 (3) its efforts to establish distributor relationships;  
16 (4) that a self-distribution exemption is necessary to  
17 facilitate the marketing of its distilled spirits; and (5)  
18 that it will comply with the liquor and revenue laws of the  
19 United States, this State, and any other state where it is  
20 licensed.

21 (C) The State Commission shall approve the application  
22 for a self-distribution exemption if the applicant: (1) is  
23 in compliance with State revenue and liquor laws; (2) is  
24 not affiliated with any other manufacturer; (3) will not  
25 annually produce for sale more than 10,000 gallons of  
26 distilled spirits; and (4) will not annually sell more than

1           2,500 gallons of its distilled spirits to retail licensees.

2           (D) A self-distribution exemption holder shall  
3           annually certify to the State Commission its production of  
4           distilled spirits in the previous 12 months and its  
5           anticipated production and sales for the next 12 months.  
6           The State Commission may fine a self-distribution  
7           exemption holder or suspend or revoke a self-distribution  
8           exemption after a hearing if it finds that the  
9           self-distribution exemption holder has made a material  
10           misrepresentation in its application, violated a revenue  
11           or liquor law of Illinois, exceeded production of 10,000  
12           gallons of distilled spirits in any calendar year, or  
13           become part of an affiliated group producing any alcoholic  
14           liquor.

15           (E) Except in hearings for violations of this Act or a  
16           bona fide investigation by duly sworn law enforcement  
17           officials, the State Commission, or its agents, the State  
18           Commission shall maintain the production and sales  
19           information of a self-distribution exemption holder as  
20           confidential and shall not release such information to any  
21           person.

22           (b) On or before April 30, 1999, the Commission shall  
23           present a written report to the Governor and the General  
24           Assembly that shall be based on a study of the impact of Public  
25           Act 90-739 on the business of soliciting, selling, and shipping  
26           alcoholic liquor from outside of this State directly to

1 residents of this State.

2 As part of its report, the Commission shall provide the  
3 following information:

4 (i) the amount of State excise and sales tax revenues  
5 generated as a result of Public Act 90-739;

6 (ii) the amount of licensing fees received as a result  
7 of Public Act 90-739;

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

13 (Source: P.A. 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;  
14 100-134, eff. 8-18-17; 100-201, eff. 8-18-17.)

15 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

18 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
19 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
20 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
21 First Class Winemaker, Class 7. Second Class Winemaker, Class  
22 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class  
23 10. Class 1 Brewer, Class 11. Class 2 Brewer, Class 12. Class 1  
24 Craft Distiller,

25 (b) Distributor's license,

- 1 (c) Importing Distributor's license,
- 2 (d) Retailer's license,
- 3 (e) Special Event Retailer's license (not-for-profit),
- 4 (f) Railroad license,
- 5 (g) Boat license,
- 6 (h) Non-Beverage User's license,
- 7 (i) Wine-maker's premises license,
- 8 (j) Airplane license,
- 9 (k) Foreign importer's license,
- 10 (l) Broker's license,
- 11 (m) Non-resident dealer's license,
- 12 (n) Brew Pub license,
- 13 (o) Auction liquor license,
- 14 (p) Caterer retailer license,
- 15 (q) Special use permit license,
- 16 (r) Winery shipper's license,
- 17 (s) Craft distiller tasting permit.

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

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

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

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

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

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

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

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

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

1 this practice on or before July 1, 2008 in compliance with  
2 Public Act 95-634.

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

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

17 Class 9. A craft distiller license shall allow the  
18 manufacture of up to 100,000 gallons of spirits by distillation  
19 per year and the storage of such spirits. If a craft distiller  
20 licensee, including a craft distiller licensee who holds more  
21 than one craft distiller license, is not affiliated with any  
22 other manufacturer of spirits, then the craft distiller  
23 licensee may sell such spirits to distributors in this State  
24 and up to 2,500 gallons of such spirits to non-licensees to the  
25 extent permitted by any exemption approved by the Commission  
26 pursuant to Section 6-4 of this Act. A craft distiller license

1 holder may store such spirits at a non-contiguous licensed  
2 location, but at no time shall a craft distiller license holder  
3 directly or indirectly produce in the aggregate more than  
4 100,000 gallons of spirits per year.

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

13 Any craft distiller licensed under this Act who on July 28,  
14 2010 (the effective date of Public Act 96-1367) was licensed as  
15 a distiller and manufactured no more spirits than permitted by  
16 this Section shall not be required to pay the initial licensing  
17 fee.

18 Class 10. A class 1 brewer license, which may only be  
19 issued to a licensed brewer or licensed non-resident dealer,  
20 shall allow the manufacture of up to 930,000 gallons of beer  
21 per year provided that the class 1 brewer licensee does not  
22 manufacture more than a combined 930,000 gallons of beer per  
23 year and is not a member of or affiliated with, directly or  
24 indirectly, a manufacturer that produces more than 930,000  
25 gallons of beer per year or any other alcoholic liquor. A class  
26 1 brewer licensee may make sales and deliveries to importing

1 distributors and distributors and to retail licensees in  
2 accordance with the conditions set forth in paragraph (18) of  
3 subsection (a) of Section 3-12 of this Act.

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

19 Class 12. A class 1 craft distiller license shall allow the  
20 manufacture of up to 10,000 gallons of spirits by distillation  
21 and the storage of such spirits. If a class 1 craft distiller  
22 licensee, including a class 1 craft distiller licensee who  
23 holds more than one class 1 craft distiller license, is not  
24 affiliated with any other manufacturer, then the class 1 craft  
25 distiller licensee may make sales and deliveries of such  
26 spirits to distributors in this State and to retail licensees



1 in accordance with the conditions set forth in paragraph (19)  
2 of subsection (a) of Section 3-12 of this Act and may make  
3 sales and deliveries of up to 2,500 gallons of such spirits to  
4 non-licensees to the extent permitted by any exemption approved  
5 by the State Commission pursuant to Section 6-4 of this Act. A  
6 class 1 craft distiller license holder may store such spirits  
7 at a non-contiguous licensed location, but at no time shall a  
8 class 1 craft distiller license holder directly or indirectly  
9 produce in the aggregate more than 10,000 gallons of spirits.

10 A class 1 craft distiller licensee may hold more than one  
11 class 1 craft distiller's license. However, a class 1 craft  
12 distiller that holds more than one class 1 craft distiller  
13 license: (i) shall not manufacture, in the aggregate more than  
14 10,000 gallons of spirits by distillation per year, (ii) shall  
15 not sell, in the aggregate, more than 2,500 gallons of such  
16 spirits to non-licensees in accordance with an exemption  
17 approved by the State Commission pursuant to Section 6-4 of  
18 this Act, and (iii) shall not sell, in the aggregate, to retail  
19 licensees more than the amount allowed under paragraph (19) of  
20 subsection (a) of Section 3-12 of this Act.

21 Any class 1 craft distiller licensed under this Act who, on  
22 the effective date of this amendatory Act of the 100th General  
23 Assembly, was licensed as a craft distiller and manufactured no  
24 more spirits than permitted by the class 1 craft distiller  
25 license shall not be required to pay the initial licensing fee.

26 (a-1) A manufacturer which is licensed in this State to

1 make sales or deliveries of alcoholic liquor to licensed  
2 distributors or importing distributors and which enlists  
3 agents, representatives, or individuals acting on its behalf  
4 who contact licensed retailers on a regular and continual basis  
5 in this State must register those agents, representatives, or  
6 persons acting on its behalf with the State Commission.

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

24 (b) A distributor's license shall allow the wholesale  
25 purchase and storage of alcoholic liquors and sale of alcoholic  
26 liquors to licensees in this State and to persons without the

1 State, as may be permitted by law. No person licensed as a  
2 distributor shall be granted a non-resident dealer's license.

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

22 (d) A retailer's license shall allow the licensee to sell  
23 and offer for sale at retail, only in the premises specified in  
24 the license, alcoholic liquor for use or consumption, but not  
25 for resale in any form. Nothing in Public Act 95-634 shall  
26 deny, limit, remove, or restrict the ability of a holder of a

1 retailer's license to transfer, deliver, or ship alcoholic  
2 liquor to the purchaser for use or consumption subject to any  
3 applicable local law or ordinance. Any retail license issued to  
4 a manufacturer shall only permit the manufacturer to sell beer  
5 at retail on the premises actually occupied by the  
6 manufacturer. For the purpose of further describing the type of  
7 business conducted at a retail licensed premises, a retailer's  
8 licensee may be designated by the State Commission as (i) an on  
9 premise consumption retailer, (ii) an off premise sale  
10 retailer, or (iii) a combined on premise consumption and off  
11 premise sale retailer.

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

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

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

19 (f) A railroad license shall permit the licensee to import  
20 alcoholic liquors into this State from any point in the United  
21 States outside this State and to store such alcoholic liquors  
22 in this State; to make wholesale purchases of alcoholic liquors  
23 directly from manufacturers, foreign importers, distributors  
24 and importing distributors from within or outside this State;  
25 and to store such alcoholic liquors in this State; provided  
26 that the above powers may be exercised only in connection with

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

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

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

1 shall be divided and classified and shall permit the purchase,  
2 possession and use of limited and stated quantities of  
3 alcoholic liquor as follows:

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

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

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

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



1 liquors to any licensee within this State. A single airplane  
2 license shall be required of an airline company if liquor  
3 service is provided on board aircraft in this State. The annual  
4 fee for such license shall be as determined in Section 5-3.

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

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

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

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

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

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

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

1 liquors.

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

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

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

1 importing distributor's license.

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

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

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

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

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

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

26 (p) An auction liquor license shall allow the licensee to

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

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

22 (r) A winery shipper's license shall allow a person with a  
23 first-class or second-class wine manufacturer's license, a  
24 first-class or second-class wine-maker's license, or a limited  
25 wine manufacturer's license or who is licensed to make wine  
26 under the laws of another state to ship wine made by that

1 licensee directly to a resident of this State who is 21 years  
2 of age or older for that resident's personal use and not for  
3 resale. Prior to receiving a winery shipper's license, an  
4 applicant for the license must provide the Commission with a  
5 true copy of its current license in any state in which it is  
6 licensed as a manufacturer of wine. An applicant for a winery  
7 shipper's license must also complete an application form that  
8 provides any other information the Commission deems necessary.  
9 The application form shall include all addresses from which the  
10 applicant for a winery shipper's license intends to ship wine,  
11 including the name and address of any third party, except for a  
12 common carrier, authorized to ship wine on behalf of the  
13 manufacturer. The application form shall include an  
14 acknowledgement consenting to the jurisdiction of the  
15 Commission, the Illinois Department of Revenue, and the courts  
16 of this State concerning the enforcement of this Act and any  
17 related laws, rules, and regulations, including authorizing  
18 the Department of Revenue and the Commission to conduct audits  
19 for the purpose of ensuring compliance with Public Act 95-634,  
20 and an acknowledgement that the wine manufacturer is in  
21 compliance with Section 6-2 of this Act. Any third party,  
22 except for a common carrier, authorized to ship wine on behalf  
23 of a first-class or second-class wine manufacturer's licensee,  
24 a first-class or second-class wine-maker's licensee, a limited  
25 wine manufacturer's licensee, or a person who is licensed to  
26 make wine under the laws of another state shall also be

1 disclosed by the winery shipper's licensee, and a copy of the  
2 written appointment of the third-party wine provider, except  
3 for a common carrier, to the wine manufacturer shall be filed  
4 with the State Commission as a supplement to the winery  
5 shipper's license application or any renewal thereof. The  
6 winery shipper's license holder shall affirm under penalty of  
7 perjury, as part of the winery shipper's license application or  
8 renewal, that he or she only ships wine, either directly or  
9 indirectly through a third-party provider, from the licensee's  
10 own production.

11 Except for a common carrier, a third-party provider  
12 shipping wine on behalf of a winery shipper's license holder is  
13 the agent of the winery shipper's license holder and, as such,  
14 a winery shipper's license holder is responsible for the acts  
15 and omissions of the third-party provider acting on behalf of  
16 the license holder. A third-party provider, except for a common  
17 carrier, that engages in shipping wine into Illinois on behalf  
18 of a winery shipper's license holder shall consent to the  
19 jurisdiction of the State Commission and the State. Any  
20 third-party, except for a common carrier, holding such an  
21 appointment shall, by February 1 of each calendar year and upon  
22 request by the State Commission or the Department of Revenue,  
23 file with the State Commission a statement detailing each  
24 shipment made to an Illinois resident. The statement shall  
25 include the name and address of the third-party provider filing  
26 the statement, the time period covered by the statement, and



1 the following information:

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

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

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

6 If the Department of Revenue or the State Commission requests a  
7 statement under this paragraph, the third-party provider must  
8 provide that statement no later than 30 days after the request  
9 is made. Any books, records, supporting papers, and documents  
10 containing information and data relating to a statement under  
11 this paragraph shall be kept and preserved for a period of 3  
12 years, unless their destruction sooner is authorized, in  
13 writing, by the Director of Revenue, and shall be open and  
14 available to inspection by the Director of Revenue or the State  
15 Commission or any duly authorized officer, agent, or employee  
16 of the State Commission or the Department of Revenue, at all  
17 times during business hours of the day. Any person who violates  
18 any provision of this paragraph or any rule of the State  
19 Commission for the administration and enforcement of the  
20 provisions of this paragraph is guilty of a Class C  
21 misdemeanor. In case of a continuing violation, each day's  
22 continuance thereof shall be a separate and distinct offense.

23 The State Commission shall adopt rules as soon as  
24 practicable to implement the requirements of Public Act 99-904  
25 and shall adopt rules prohibiting any such third-party  
26 appointment of a third-party provider, except for a common

1 carrier, that has been deemed by the State Commission to have  
2 violated the provisions of this Act with regard to any winery  
3 shipper licensee.

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

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

1 must comply with the requirements of Section 6-29 of this Act.

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

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

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

25 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;  
26 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.

1 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17.)

2 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

8 The fee for licenses issued by the State Commission shall  
9 be as follows:

	Online	Initial
	renewal	license
		or
		non-online
		renewal

15 For a manufacturer's license:

16	Class 1. Distiller .....	\$4,000	\$5,000
17	Class 2. Rectifier .....	4,000	5,000
18	Class 3. Brewer .....	1,200	1,500
19	Class 4. First-class Wine		
20	Manufacturer .....	750	900
21	Class 5. Second-class		
22	Wine Manufacturer.....	1,500	1,750
23	Class 6. First-class wine-maker ....	750	900
24	Class 7. Second-class wine-maker ..	1,500	1,750
25	Class 8. Limited Wine		

1	Manufacturer .....	250	350
2	Class 9. Craft Distiller .....	2,000	2,500
3	Class 10. Class 1 Brewer .....	50	75
4	Class 11. Class 2 Brewer .....	75	100
5	<u>Class 12. Class 1 Craft Distiller ..</u>	<u>2,000</u>	<u>2,500</u>
6	For a Brew Pub License .....	1,200	1,500
7	For a caterer retailer's license ..	350	500
8	For a foreign importer's license ..	25	25
9	For an importing distributor's		
10	license.....	25	25
11	For a distributor's license		
12	(11,250,000 gallons		
13	or over) .....	1,450	2,200
14	For a distributor's license		
15	(over 4,500,000 gallons, but		
16	under 11,250,000 gallons) .....	950	1,450
17	For a distributor's license		
18	(4,500,000 gallons or under) ..	300	450
19	For a non-resident dealer's license		
20	(500,000 gallons or over) .....	1,200	1,500
21	For a non-resident dealer's license		
22	(under 500,000 gallons) .....	250	350
23	For a wine-maker's premises		
24	license.....	250	500
25	For a winery shipper's license		
26	(under 250,000 gallons) .....	200	350

1	For a winery shipper's license		
2	(250,000 or over, but		
3	under 500,000 gallons) .....	750	1,000
4	For a winery shipper's license		
5	(500,000 gallons or over) .....	1,200	1,500
6	For a wine-maker's premises license,		
7	second location .....	500	1,000
8	For a wine-maker's premises license,		
9	third location .....	500	1,000
10	For a retailer's license .....	600	750
11	For a special event retailer's		
12	license, (not-for-profit) .....	25	25
13	For a special use permit license,		
14	one day only .....	100	150
15	2 days or more .....	150	250
16	For a railroad license .....	100	150
17	For a boat license .....	500	1,000
18	For an airplane license, times the		
19	licensee's maximum number of		
20	aircraft in flight, serving		
21	liquor over the State at any		
22	given time, which either		
23	originate, terminate, or make		
24	an intermediate stop in		
25	the State .....	100	150
26	For a non-beverage user's license:		

1	Class 1 .....	24	24
2	Class 2 .....	60	60
3	Class 3 .....	120	120
4	Class 4 .....	240	240
5	Class 5 .....	600	600
6	For a broker's license .....	750	1,000
7	For an auction liquor license .....	100	150
8	For a homebrewer special		
9	event permit .....	25	25
10	For a craft distiller		
11	tasting permit .....	25	25
12	For a BASSET trainer license .....	300	350
13	For a tasting representative		
14	license.....	200	300

15 Fees collected under this Section shall be paid into the  
16 Dram Shop Fund. On and after July 1, 2003 and until June 30,  
17 2016, of the funds received for a retailer's license, in  
18 addition to the first \$175, an additional \$75 shall be paid  
19 into the Dram Shop Fund, and \$250 shall be paid into the  
20 General Revenue Fund. On and after June 30, 2016, one-half of  
21 the funds received for a retailer's license shall be paid into  
22 the Dram Shop Fund and one-half of the funds received for a  
23 retailer's license shall be paid into the General Revenue Fund.  
24 Beginning June 30, 1990 and on June 30 of each subsequent year  
25 through June 29, 2003, any balance over \$5,000,000 remaining in  
26 the Dram Shop Fund shall be credited to State liquor licensees

1 and applied against their fees for State liquor licenses for  
2 the following year. The amount credited to each licensee shall  
3 be a proportion of the balance in the Dram Fund that is the  
4 same as the proportion of the license fee paid by the licensee  
5 under this Section for the period in which the balance was  
6 accumulated to the aggregate fees paid by all licensees during  
7 that period.

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

10 (a) Hospitals, sanitariums, or clinics when their use  
11 of alcoholic liquor is exclusively medicinal, mechanical  
12 or scientific.

13 (b) Universities, colleges of learning or schools when  
14 their use of alcoholic liquor is exclusively medicinal,  
15 mechanical or scientific.

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

18 (Source: P.A. 99-448, eff. 8-24-15; 99-902, eff. 8-26-16;  
19 99-904, eff. 8-26-16; 100-201, eff. 8-18-17.)

20 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

21 Sec. 6-4. (a) No person licensed by any licensing authority  
22 as a distiller, or a wine manufacturer, or any subsidiary or  
23 affiliate thereof, or any officer, associate, member, partner,  
24 representative, employee, agent or shareholder owning more  
25 than 5% of the outstanding shares of such person shall be



1 issued an importing distributor's or distributor's license,  
2 nor shall any person licensed by any licensing authority as an  
3 importing distributor, distributor or retailer, or any  
4 subsidiary or affiliate thereof, or any officer or associate,  
5 member, partner, representative, employee, agent or  
6 shareholder owning more than 5% of the outstanding shares of  
7 such person be issued a distiller's license, a craft  
8 distiller's license, a class 1 craft distiller license, or a  
9 wine manufacturer's license; and no person or persons licensed  
10 as a distiller, ~~or~~ craft distiller, or class 1 craft distiller  
11 by any licensing authority shall have any interest, directly or  
12 indirectly, with such distributor or importing distributor.

13 However, an importing distributor or distributor, which on  
14 January 1, 1985 is owned by a brewer, or any subsidiary or  
15 affiliate thereof or any officer, associate, member, partner,  
16 representative, employee, agent or shareholder owning more  
17 than 5% of the outstanding shares of the importing distributor  
18 or distributor referred to in this paragraph, may own or  
19 acquire an ownership interest of more than 5% of the  
20 outstanding shares of a wine manufacturer and be issued a wine  
21 manufacturer's license by any licensing authority.

22 (b) The foregoing provisions shall not apply to any person  
23 licensed by any licensing authority as a distiller or wine  
24 manufacturer, or to any subsidiary or affiliate of any  
25 distiller or wine manufacturer who shall have been heretofore  
26 licensed by the State Commission as either an importing

1 distributor or distributor during the annual licensing period  
2 expiring June 30, 1947, and shall actually have made sales  
3 regularly to retailers.

4 (c) Provided, however, that in such instances where a  
5 distributor's or importing distributor's license has been  
6 issued to any distiller or wine manufacturer or to any  
7 subsidiary or affiliate of any distiller or wine manufacturer  
8 who has, during the licensing period ending June 30, 1947, sold  
9 or distributed as such licensed distributor or importing  
10 distributor alcoholic liquors and wines to retailers, such  
11 distiller or wine manufacturer or any subsidiary or affiliate  
12 of any distiller or wine manufacturer holding such  
13 distributor's or importing distributor's license may continue  
14 to sell or distribute to retailers such alcoholic liquors and  
15 wines which are manufactured, distilled, processed or marketed  
16 by distillers and wine manufacturers whose products it sold or  
17 distributed to retailers during the whole or any part of its  
18 licensing periods; and such additional brands and additional  
19 products may be added to the line of such distributor or  
20 importing distributor, provided, that such brands and such  
21 products were not sold or distributed by any distributor or  
22 importing distributor licensed by the State Commission during  
23 the licensing period ending June 30, 1947, but can not sell or  
24 distribute to retailers any other alcoholic liquors or wines.

25 (d) It shall be unlawful for any distiller licensed  
26 anywhere to have any stock ownership or interest in any

1 distributor's or importing distributor's license wherein any  
2 other person has an interest therein who is not a distiller and  
3 does not own more than 5% of any stock in any distillery.  
4 Nothing herein contained shall apply to such distillers or  
5 their subsidiaries or affiliates, who had a distributor's or  
6 importing distributor's license during the licensing period  
7 ending June 30, 1947, which license was owned in whole by such  
8 distiller, or subsidiaries or affiliates of such distiller.

9 (e) Any person licensed as a brewer, class 1 brewer, or  
10 class 2 brewer shall be permitted to sell on the licensed  
11 premises to non-licensees for on or off-premises consumption  
12 for the premises in which he or she actually conducts such  
13 business beer manufactured by the brewer, class 1 brewer, or  
14 class 2 brewer. Such sales shall be limited to on-premises,  
15 in-person sales only, for lawful consumption on or off  
16 premises. Such authorization shall be considered a privilege  
17 granted by the brewer license and, other than a manufacturer of  
18 beer as stated above, no manufacturer or distributor or  
19 importing distributor, excluding airplane licensees exercising  
20 powers provided in paragraph (i) of Section 5-1 of this Act, or  
21 any subsidiary or affiliate thereof, or any officer, associate,  
22 member, partner, representative, employee or agent, or  
23 shareholder shall be issued a retailer's license, nor shall any  
24 person having a retailer's license, excluding airplane  
25 licensees exercising powers provided in paragraph (i) of  
26 Section 5-1 of this Act, or any subsidiary or affiliate

1       thereof, or any officer, associate, member, partner,  
2       representative or agent, or shareholder be issued a  
3       manufacturer's license or importing distributor's license.

4           A person who holds a class 1 or class 2 brewer license and  
5       is authorized by this Section to sell beer to non-licensees  
6       shall not sell beer to non-licensees from more than 3 total  
7       brewer or commonly owned brew pub licensed locations in this  
8       State. The class 1 or class 2 brewer shall designate to the  
9       State Commission the brewer or brew pub locations from which it  
10      will sell beer to non-licensees.

11          A person licensed as a craft distiller, including a person  
12      who holds more than one craft distiller license, not affiliated  
13      with any other person manufacturing spirits may be authorized  
14      by the Commission to sell up to 2,500 gallons of spirits  
15      produced by the person to non-licensees for on or off-premises  
16      consumption for the premises in which he or she actually  
17      conducts business permitting only the retail sale of spirits  
18      manufactured at such premises. Such sales shall be limited to  
19      on-premises, in-person sales only, for lawful consumption on or  
20      off premises, and such authorization shall be considered a  
21      privilege granted by the craft distiller license. A craft  
22      distiller licensed for retail sale shall secure liquor  
23      liability insurance coverage in an amount at least equal to the  
24      maximum liability amounts set forth in subsection (a) of  
25      Section 6-21 of this Act.

26          A craft distiller license holder shall not deliver any

1 alcoholic liquor to any non-licensee off the licensed premises.  
2 A craft distiller shall affirm in its annual craft distiller's  
3 license application that it does not produce more than 100,000  
4 gallons of distilled spirits annually and that the craft  
5 distiller does not sell more than 2,500 gallons of spirits to  
6 non-licensees for on or off-premises consumption. In the  
7 application, which shall be sworn under penalty of perjury, the  
8 craft distiller shall state the volume of production and sales  
9 for each year since the craft distiller's establishment.

10 A person licensed as a class 1 craft distiller, including a  
11 person who holds more than one class 1 craft distiller license,  
12 not affiliated with any other person manufacturing spirits may  
13 be authorized by the State Commission to sell up to 2,500  
14 gallons of spirits produced by the person to non-licensees for  
15 on or off-premises consumption for the premises in which he or  
16 she actually conducts business permitting only the retail sale  
17 of spirits manufactured at such premises. Such sales shall be  
18 limited to on-premises, in-person sales only, for lawful  
19 consumption on or off premises, and such authorization shall be  
20 considered a privilege granted by the class 1 craft distiller  
21 license. A class 1 craft distiller licensed for retail sale  
22 shall secure liquor liability insurance coverage in an amount  
23 at least equal to the maximum liability amounts set forth in  
24 subsection (a) of Section 6-21 of this Act.

25 A class 1 craft distiller license holder shall not deliver  
26 any alcoholic liquor to any non-licensee off the licensed

1 premises. A class 1 craft distiller shall affirm in its annual  
2 class 1 craft distiller's license application that it does not  
3 produce more than 10,000 gallons of distilled spirits annually  
4 and that the class 1 craft distiller does not sell more than  
5 2,500 gallons of spirits to non-licensees for on or  
6 off-premises consumption. In the application, which shall be  
7 sworn under penalty of perjury, the class 1 craft distiller  
8 shall state the volume of production and sales for each year  
9 since the class 1 craft distiller's establishment.

10 (f) (Blank).

11 (g) Notwithstanding any of the foregoing prohibitions, a  
12 limited wine manufacturer may sell at retail at its  
13 manufacturing site for on or off premises consumption and may  
14 sell to distributors. A limited wine manufacturer licensee  
15 shall secure liquor liability insurance coverage in an amount  
16 at least equal to the maximum liability amounts set forth in  
17 subsection (a) of Section 6-21 of this Act.

18 (h) The changes made to this Section by Public Act 99-47  
19 shall not diminish or impair the rights of any person, whether  
20 a distiller, wine manufacturer, agent, or affiliate thereof,  
21 who requested in writing and submitted documentation to the  
22 State Commission on or before February 18, 2015 to be approved  
23 for a retail license pursuant to what has heretofore been  
24 subsection (f); provided that, on or before that date, the  
25 State Commission considered the intent of that person to apply  
26 for the retail license under that subsection and, by recorded

1 vote, the State Commission approved a resolution indicating  
2 that such a license application could be lawfully approved upon  
3 that person duly filing a formal application for a retail  
4 license and if that person, within 90 days of the State  
5 Commission appearance and recorded vote, first filed an  
6 application with the appropriate local commission, which  
7 application was subsequently approved by the appropriate local  
8 commission prior to consideration by the State Commission of  
9 that person's application for a retail license. It is further  
10 provided that the State Commission may approve the person's  
11 application for a retail license or renewals of such license if  
12 such person continues to diligently adhere to all  
13 representations made in writing to the State Commission on or  
14 before February 18, 2015, or thereafter, or in the affidavit  
15 filed by that person with the State Commission to support the  
16 issuance of a retail license and to abide by all applicable  
17 laws and duly adopted rules.

18 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;  
19 99-642, eff. 7-28-16; 99-902, eff. 8-26-16; 100-201, eff.  
20 8-18-17.)

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