



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1831

Introduced 2/15/2019, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

235 ILCS 5/1-3.04	from Ch. 43, par. 95.04
235 ILCS 5/5-1	from Ch. 43, par. 115
235 ILCS 5/6-6	from Ch. 43, par. 123
235 ILCS 5/6-6.5	
235 ILCS 5/6-6.6 new	

Amends the Liquor Control Act of 1934. Provides that the definition of "beer" includes beverages brewed or fermented wholly or in part from malt products. Provides that a caterer retailer license shall allow the holder, a distributor, or an importing distributor to transfer any inventory to and from the holder's retail premises and to purchase alcoholic liquor from a distributor or importing distributor to be delivered directly to an off-site event. Provides that a special use permit license shall allow the holder to purchase alcoholic liquor from a distributor or importing distributor to be delivered directly to the location specified in the special use permit license. Provides that a special use permit license shall allow the holder, a distributor, or an importing distributor to transfer any inventory from the premises specified in the special use permit license to its retail premises. Provides that, if certain conditions are met, nothing in the Act prohibits a distributor or importing distributor from offering a credit or a refund for unused, salable beer to a special use permit licensee or a caterer retailer or a special use permit licensee or caterer retailer from accepting the credit or refund. In a provision that allows a manufacturer, distributor, or importing distributor to provide permanent outdoor signs to retailers if certain conditions are met, provides that the permanent outside sign shall cost not more than \$3,000 per brand (instead of per manufacturer). Contains provisions concerning the servicing of certain systems by a manufacturer, distributor, or importing distributor. Prohibits a distributor or importing distributor from selling or giving coil cleaning services to certain licensees. Authorizes a manufacturer, distributor, or importing distributor to give, sell, or lease dispensing equipment to specified licensees if certain requirements are met. Makes other changes.

LRB101 09851 RPS 54953 b

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 1-3.04, 5-1, 6-6, 6-6.5, 6-6.6 as follows:

6 (235 ILCS 5/1-3.04) (from Ch. 43, par. 95.04)

7 Sec. 1-3.04. "Beer" means a beverage obtained by the
8 alcoholic fermentation of an infusion or concoction of barley,
9 or other grain, malt, and hops in water, and includes, among
10 other things, beer, ale, stout, lager beer, porter, beverages
11 brewed or fermented wholly or in part from malt products, and
12 the like.

13 (Source: P.A. 82-783.)

14 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

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

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

24 (a) A manufacturer's license shall allow the manufacture,
25 importation in bulk, storage, distribution and sale of
26 alcoholic liquor to persons without the State, as may be

1 permitted by law and to licensees in this State as follows:

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

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

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

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

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

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

1 and annually produces more than 25,000 gallons of its own wine
2 and who distributes its wine to licensed retailers shall cease
3 this practice on or before July 1, 2008 in compliance with
4 Public Act 95-634.

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

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

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

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

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

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

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

1 gallons of beer per year or any other alcoholic liquor. A class
2 1 brewer licensee may make sales and deliveries to importing
3 distributors and distributors and to retail licensees in
4 accordance with the conditions set forth in paragraph (18) of
5 subsection (a) of Section 3-12 of this Act. If the State
6 Commission provides prior approval, a class 1 brewer may
7 annually transfer up to 930,000 gallons of beer manufactured by
8 that class 1 brewer to the premises of a licensed class 1
9 brewer wholly owned and operated by the same licensee.

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

25 A class 2 brewer may transfer beer to a brew pub wholly
26 owned and operated by the class 2 brewer subject to the

1 following limitations and restrictions: (i) the transfer shall
2 not annually exceed more than 31,000 gallons; (ii) the annual
3 amount transferred shall reduce the brew pub's annual permitted
4 production limit; (iii) all beer transferred shall be subject
5 to Article VIII of this Act; (iv) a written record shall be
6 maintained by the brewer and brew pub specifying the amount,
7 date of delivery, and receipt of the product by the brew pub;
8 and (v) the brew pub shall be located no farther than 80 miles
9 from the class 2 brewer's licensed location.

10 A class 2 brewer shall, prior to transferring beer to a
11 brew pub wholly owned by the class 2 brewer, furnish a written
12 notice to the State Commission of intent to transfer beer
13 setting forth the name and address of the brew pub and shall
14 annually submit to the State Commission a verified report
15 identifying the total gallons of beer transferred to the brew
16 pub wholly owned by the class 2 brewer.

17 (a-1) A manufacturer which is licensed in this State to
18 make sales or deliveries of alcoholic liquor to licensed
19 distributors or importing distributors and which enlists
20 agents, representatives, or individuals acting on its behalf
21 who contact licensed retailers on a regular and continual basis
22 in this State must register those agents, representatives, or
23 persons acting on its behalf with the State Commission.

24 Registration of agents, representatives, or persons acting
25 on behalf of a manufacturer is fulfilled by submitting a form
26 to the Commission. The form shall be developed by the

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

15 (b) A distributor's license shall allow the wholesale
16 purchase and storage of alcoholic liquors and sale of alcoholic
17 liquors to licensees in this State and to persons without the
18 State, as may be permitted by law, and the sale of beer, cider,
19 or both beer and cider to brewers, class 1 brewers, and class 2
20 brewers that, pursuant to subsection (e) of Section 6-4 of this
21 Act, sell beer, cider, or both beer and cider to non-licensees
22 at their breweries. No person licensed as a distributor shall
23 be granted a non-resident dealer's license.

24 (c) An importing distributor's license may be issued to and
25 held by those only who are duly licensed distributors, upon the
26 filing of an application by a duly licensed distributor, with

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

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

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

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

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

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

14 Nothing in this Act prohibits an Illinois licensed
15 distributor from offering credit or a refund for unused,
16 salable alcoholic liquors to a holder of a special event
17 retailer's license or ~~from~~ the special event retailer's
18 licensee from accepting the credit or refund of alcoholic
19 liquors at the conclusion of the event specified in the
20 license.

21 (f) A railroad license shall permit the licensee to import
22 alcoholic liquors into this State from any point in the United
23 States outside this State and to store such alcoholic liquors
24 in this State; to make wholesale purchases of alcoholic liquors
25 directly from manufacturers, foreign importers, distributors
26 and importing distributors from within or outside this State;

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

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

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

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

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

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

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

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

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

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

22 (l) (i) A broker's license shall be required of all persons
23 who solicit orders for, offer to sell or offer to supply
24 alcoholic liquor to retailers in the State of Illinois, or who
25 offer to retailers to ship or cause to be shipped or to make
26 contact with distillers, rectifiers, brewers or manufacturers

1 or any other party within or without the State of Illinois in
2 order that alcoholic liquors be shipped to a distributor,
3 importing distributor or foreign importer, whether such
4 solicitation or offer is consummated within or without the
5 State of Illinois.

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

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

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

26 A broker's license under this subsection (1) shall not

1 entitle the holder to buy or sell any alcoholic liquors for his
2 own account or to take or deliver title to such alcoholic
3 liquors.

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

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

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

1 the non-resident dealer shall comply with the provisions of
2 Sections 6-5 and 6-6 of this Act to the same extent that these
3 provisions apply to manufacturers. No person licensed as a
4 non-resident dealer shall be granted a distributor's or
5 importing distributor's license.

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

24 A brew pub licensee shall not under any circumstance sell
25 or offer for sale beer manufactured by the brew pub licensee to
26 retail licensees.

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

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

25 (o) A caterer retailer license shall allow the holder to
26 serve alcoholic liquors as an incidental part of a food service

1 that serves prepared meals which excludes the serving of snacks
2 as the primary meal, either on or off-site whether licensed or
3 unlicensed. A caterer retailer license shall allow the holder,
4 a distributor, or an importing distributor to transfer any
5 inventory to and from the holder's retail premises and shall
6 allow the holder to purchase alcoholic liquor from a
7 distributor or importing distributor to be delivered directly
8 to an off-site event.

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

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

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

13 (q) A special use permit license shall allow an Illinois
14 licensed retailer to transfer a portion of its alcoholic liquor
15 inventory from its retail licensed premises to the premises
16 specified in the license hereby created; to purchase alcoholic
17 liquor from a distributor or importing distributor to be
18 delivered directly to the location specified in the license
19 hereby created; and to sell or offer for sale at retail, only
20 in the premises specified in the license hereby created, the
21 transferred or delivered alcoholic liquor for use or
22 consumption, but not for resale in any form. A special use
23 permit license may be granted for the following time periods:
24 one day or less; 2 or more days to a maximum of 15 days per
25 location in any 12-month period. An applicant for the special
26 use permit license must also submit with the application proof

1 satisfactory to the State Commission that the applicant will
2 provide dram shop liability insurance to the maximum limits and
3 have local authority approval.

4 A special use permit license shall allow the holder, a
5 distributor, or an importing distributor to transfer any
6 inventory from the holder's special use premises to its retail
7 premises at the conclusion of the special use event.

8 Nothing in this Act prohibits a distributor or importing
9 distributor from offering credit or a refund for unused,
10 salable beer to a special use permit licensee or a special use
11 permit licensee from accepting a credit or refund for unused,
12 salable beer at the conclusion of the event specified in the
13 license if: (i) the holder of the special use permit license
14 has not transferred alcoholic liquor from its retail licensed
15 premises to the premises specified in the special use permit
16 license; (ii) the distributor or importing distributor offers
17 the credit or refund for the unused, salable beer that it
18 delivered to the premises specified in the special use permit
19 license and not for any unused, salable beer that the
20 distributor or importing distributor delivered to the
21 retailer's premises; and (iii) the unused, salable beer would
22 likely spoil if transferred to the retailer premises.

23 (r) A winery shipper's license shall allow a person with a
24 first-class or second-class wine manufacturer's license, a
25 first-class or second-class wine-maker's license, or a limited
26 wine manufacturer's license or who is licensed to make wine

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

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

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

1 the statement, the time period covered by the statement, and
2 the following information:

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

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

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

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

24 The State Commission shall adopt rules as soon as
25 practicable to implement the requirements of Public Act 99-904
26 and shall adopt rules prohibiting any such third-party

1 appointment of a third-party provider, except for a common
2 carrier, that has been deemed by the State Commission to have
3 violated the provisions of this Act with regard to any winery
4 shipper licensee.

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

24 A winery shipper licensee must collect, maintain, and
25 submit to the Commission on a semi-annual basis the total
26 number of cases per resident of wine shipped to residents of

1 this State. A winery shipper licensed under this subsection (r)
2 must comply with the requirements of Section 6-29 of this Act.

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

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

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

25 A brewer warehouse permit may be issued to the holder of a
26 class 1 brewer license or a class 2 brewer license. If the

1 holder of the permit is a class 1 brewer licensee, the brewer
2 warehouse permit shall allow the holder to store or warehouse
3 up to 930,000 gallons of tax-determined beer manufactured by
4 the holder of the permit at the premises specified on the
5 permit. If the holder of the permit is a class 2 brewer
6 licensee, the brewer warehouse permit shall allow the holder to
7 store or warehouse up to 3,720,000 gallons of tax-determined
8 beer manufactured by the holder of the permit at the premises
9 specified on the permit. Sales to non-licensees are prohibited
10 at the premises specified in the brewer warehouse permit.

11 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;
12 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.
13 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,
14 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;
15 revised 10-2-18.)

16 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

17 Sec. 6-6. Except as otherwise provided in this Act no
18 manufacturer or distributor or importing distributor shall,
19 directly or indirectly, sell, supply, furnish, give or pay for,
20 or loan or lease, any furnishing, fixture or equipment on the
21 premises of a place of business of another licensee authorized
22 under this Act to sell alcoholic liquor at retail, either for
23 consumption on or off the premises, nor shall he or she,
24 directly or indirectly, pay for any such license, or advance,
25 furnish, lend or give money for payment of such license, or

1 purchase or become the owner of any note, mortgage, or other
2 evidence of indebtedness of such licensee or any form of
3 security therefor, nor shall such manufacturer, or
4 distributor, or importing distributor, directly or indirectly,
5 be interested in the ownership, conduct or operation of the
6 business of any licensee authorized to sell alcoholic liquor at
7 retail, nor shall any manufacturer, or distributor, or
8 importing distributor be interested directly or indirectly or
9 as owner or part owner of said premises or as lessee or lessor
10 thereof, in any premises upon which alcoholic liquor is sold at
11 retail.

12 No manufacturer or distributor or importing distributor
13 shall, directly or indirectly or through a subsidiary or
14 affiliate, or by any officer, director or firm of such
15 manufacturer, distributor or importing distributor, furnish,
16 give, lend or rent, install, repair or maintain, to or for any
17 retail licensee in this State, any signs or inside advertising
18 materials except as provided in this Section and Section 6-5.
19 With respect to retail licensees, other than any government
20 owned or operated auditorium, exhibition hall, recreation
21 facility or other similar facility holding a retailer's license
22 as described in Section 6-5, a manufacturer, distributor, or
23 importing distributor may furnish, give, lend or rent and
24 erect, install, repair and maintain to or for any retail
25 licensee, for use at any one time in or about or in connection
26 with a retail establishment on which the products of the

1 manufacturer, distributor or importing distributor are sold,
2 the following signs and inside advertising materials as
3 authorized in subparts (i), (ii), (iii), and (iv):

4 (i) Permanent outside signs shall cost not more than
5 \$3,000 per brand ~~manufacturer~~, exclusive of erection,
6 installation, repair and maintenance costs, and permit
7 fees and shall bear only the manufacturer's name, brand
8 name, trade name, slogans, markings, trademark, or other
9 symbols commonly associated with and generally used in
10 identifying the product including, but not limited to,
11 "cold beer", "on tap", "carry out", and "packaged liquor".

12 (ii) Temporary outside signs shall include, but not be
13 limited to, banners, flags, pennants, streamers, and other
14 items of a temporary and non-permanent nature, and shall
15 cost not more than \$1,000 per manufacturer. Each temporary
16 outside sign must include the manufacturer's name, brand
17 name, trade name, slogans, markings, trademark, or other
18 symbol commonly associated with and generally used in
19 identifying the product. Temporary outside signs may also
20 include, for example, the product, price, packaging, date
21 or dates of a promotion and an announcement of a retail
22 licensee's specific sponsored event, if the temporary
23 outside sign is intended to promote a product, and provided
24 that the announcement of the retail licensee's event and
25 the product promotion are held simultaneously. However,
26 temporary outside signs may not include names, slogans,

1 markings, or logos that relate to the retailer. Nothing in
2 this subpart (ii) shall prohibit a distributor or importing
3 distributor from bearing the cost of creating or printing a
4 temporary outside sign for the retail licensee's specific
5 sponsored event or from bearing the cost of creating or
6 printing a temporary sign for a retail licensee containing,
7 for example, community goodwill expressions, regional
8 sporting event announcements, or seasonal messages,
9 provided that the primary purpose of the temporary outside
10 sign is to highlight, promote, or advertise the product. In
11 addition, temporary outside signs provided by the
12 manufacturer to the distributor or importing distributor
13 may also include, for example, subject to the limitations
14 of this Section, preprinted community goodwill
15 expressions, sporting event announcements, seasonal
16 messages, and manufacturer promotional announcements.
17 However, a distributor or importing distributor shall not
18 bear the cost of such manufacturer preprinted signs.

19 (iii) Permanent inside signs, whether visible from the
20 outside or the inside of the premises, include, but are not
21 limited to: alcohol lists and menus that may include names,
22 slogans, markings, or logos that relate to the retailer;
23 neons; illuminated signs; clocks; table lamps; mirrors;
24 tap handles; decalcomanias; window painting; and window
25 trim. All neons, illuminated signs, clocks, table lamps,
26 mirrors, and tap handles are the property of the

1 manufacturer and shall be returned to the manufacturer or
2 its agent upon request. All permanent inside signs in place
3 and in use at any one time shall cost in the aggregate not
4 more than \$6,000 per manufacturer. A permanent inside sign
5 must include the manufacturer's name, brand name, trade
6 name, slogans, markings, trademark, or other symbol
7 commonly associated with and generally used in identifying
8 the product. However, permanent inside signs may not
9 include names, slogans, markings, or logos that relate to
10 the retailer. For the purpose of this subpart (iii), all
11 permanent inside signs may be displayed in an adjacent
12 courtyard or patio commonly referred to as a "beer garden"
13 that is a part of the retailer's licensed premises.

14 (iv) Temporary inside signs shall include, but are not
15 limited to, lighted chalk boards, acrylic table tent
16 beverage or hors d'oeuvre list holders, banners, flags,
17 pennants, streamers, and inside advertising materials such
18 as posters, placards, bowling sheets, table tents, inserts
19 for acrylic table tent beverage or hors d'oeuvre list
20 holders, sports schedules, or similar printed or
21 illustrated materials and product displays, such as
22 display racks, bins, barrels, or similar items, the primary
23 function of which is to temporarily hold and display
24 alcoholic beverages; however, such items, for example, as
25 coasters, trays, napkins, glassware and cups shall not be
26 deemed to be inside signs or advertising materials and may

1 only be sold to retailers at fair market value, which shall
2 be no less than the cost of the item to the manufacturer,
3 distributor, or importing distributor. All temporary
4 inside signs and inside advertising materials in place and
5 in use at any one time shall cost in the aggregate not more
6 than \$1,000 per manufacturer. Nothing in this subpart (iv)
7 prohibits a distributor or importing distributor from
8 paying the cost of printing or creating any temporary
9 inside banner or inserts for acrylic table tent beverage or
10 hors d'oeuvre list holders for a retail licensee, provided
11 that the primary purpose for the banner or insert is to
12 highlight, promote, or advertise the product. For the
13 purpose of this subpart (iv), all temporary inside signs
14 and inside advertising materials may be displayed in an
15 adjacent courtyard or patio commonly referred to as a "beer
16 garden" that is a part of the retailer's licensed premises.

17 The restrictions contained in this Section 6-6 do not apply
18 to signs, or promotional or advertising materials furnished by
19 manufacturers, distributors or importing distributors to a
20 government owned or operated facility holding a retailer's
21 license as described in Section 6-5.

22 No distributor or importing distributor shall directly or
23 indirectly or through a subsidiary or affiliate, or by any
24 officer, director or firm of such manufacturer, distributor or
25 importing distributor, furnish, give, lend or rent, install,
26 repair or maintain, to or for any retail licensee in this

1 State, any signs or inside advertising materials described in
2 subparts (i), (ii), (iii), or (iv) of this Section except as
3 the agent for or on behalf of a manufacturer, provided that the
4 total cost of any signs and inside advertising materials
5 including but not limited to labor, erection, installation and
6 permit fees shall be paid by the manufacturer whose product or
7 products said signs and inside advertising materials advertise
8 and except as follows:

9 A distributor or importing distributor may purchase from or
10 enter into a written agreement with a manufacturer or a
11 manufacturer's designated supplier and such manufacturer or
12 the manufacturer's designated supplier may sell or enter into
13 an agreement to sell to a distributor or importing distributor
14 permitted signs and advertising materials described in
15 subparts (ii), (iii), or (iv) of this Section for the purpose
16 of furnishing, giving, lending, renting, installing,
17 repairing, or maintaining such signs or advertising materials
18 to or for any retail licensee in this State. Any purchase by a
19 distributor or importing distributor from a manufacturer or a
20 manufacturer's designated supplier shall be voluntary and the
21 manufacturer may not require the distributor or the importing
22 distributor to purchase signs or advertising materials from the
23 manufacturer or the manufacturer's designated supplier.

24 A distributor or importing distributor shall be deemed the
25 owner of such signs or advertising materials purchased from a
26 manufacturer or a manufacturer's designated supplier.

1 The provisions of Public Act 90-373 concerning signs or
2 advertising materials delivered by a manufacturer to a
3 distributor or importing distributor shall apply only to signs
4 or advertising materials delivered on or after August 14, 1997.

5 A manufacturer, distributor, or importing distributor may
6 furnish free social media advertising to a retail licensee if
7 the social media advertisement does not contain the retail
8 price of any alcoholic liquor and the social media
9 advertisement complies with any applicable rules or
10 regulations issued by the Alcohol and Tobacco Tax and Trade
11 Bureau of the United States Department of the Treasury. A
12 manufacturer, distributor, or importing distributor may list
13 the names of one or more unaffiliated retailers in the
14 advertisement of alcoholic liquor through social media.
15 Nothing in this Section shall prohibit a retailer from
16 communicating with a manufacturer, distributor, or importing
17 distributor on social media or sharing media on the social
18 media of a manufacturer, distributor, or importing
19 distributor. A retailer may request free social media
20 advertising from a manufacturer, distributor, or importing
21 distributor. Nothing in this Section shall prohibit a
22 manufacturer, distributor, or importing distributor from
23 sharing, reposting, or otherwise forwarding a social media post
24 by a retail licensee, so long as the sharing, reposting, or
25 forwarding of the social media post does not contain the retail
26 price of any alcoholic liquor. No manufacturer, distributor, or

1 importing distributor shall pay or reimburse a retailer,
2 directly or indirectly, for any social media advertising
3 services, except as specifically permitted in this Act. No
4 retailer shall accept any payment or reimbursement, directly or
5 indirectly, for any social media advertising services offered
6 by a manufacturer, distributor, or importing distributor,
7 except as specifically permitted in this Act. For the purposes
8 of this Section, "social media" means a service, platform, or
9 site where users communicate with one another and share media,
10 such as pictures, videos, music, and blogs, with other users
11 free of charge.

12 No person engaged in the business of manufacturing,
13 importing or distributing alcoholic liquors shall, directly or
14 indirectly, pay for, or advance, furnish, or lend money for the
15 payment of any license for another. Any licensee who shall
16 permit or assent, or be a party in any way to any violation or
17 infringement of the provisions of this Section shall be deemed
18 guilty of a violation of this Act, and any money loaned
19 contrary to a provision of this Act shall not be recovered
20 back, or any note, mortgage or other evidence of indebtedness,
21 or security, or any lease or contract obtained or made contrary
22 to this Act shall be unenforceable and void.

23 This Section shall not apply to airplane licensees
24 exercising powers provided in paragraph (i) of Section 5-1 of
25 this Act.

26 (Source: P.A. 99-448, eff. 8-24-15; 100-885, eff. 8-14-18.)

1 (235 ILCS 5/6-6.5)

2 Sec. 6-6.5. Sanitation. A manufacturer, distributor, or
3 importing distributor may sell coil cleaning services to a
4 retail licensee at fair market cost.

5 A manufacturer, distributor, or importing distributor may
6 sell dispensing accessories to retail licensees at a price not
7 less than the cost to the manufacturer, distributor, or
8 importing distributor who initially purchased them. Dispensing
9 accessories include, but are not limited to, items such as
10 standards, faucets, cold plates, rods, vents, taps, tap
11 standards, hoses, washers, couplings, gas gauges, vent
12 tongues, shanks, and check valves. A manufacturer,
13 distributor, or importing distributor may service, balance, or
14 inspect draft beer, wine, or distilled spirits systems at
15 regular intervals and may provide labor to replace or install
16 dispensing accessories.

17 Coil cleaning supplies consisting of detergents, cleaning
18 chemicals, brushes, or similar type cleaning devices may be
19 sold at a price not less than the cost to the manufacturer,
20 distributor, or importing distributor.

21 A distributor or importing distributor shall not sell or
22 give coil cleaning services to a retailer, special use permit
23 licensee, caterer retailer, or brew pub.

24 (Source: P.A. 90-432, eff. 1-1-98.)

1 (235 ILCS 5/6-6.6 new)

2 Sec. 6-6.6. Giving, selling, and leasing dispensing
3 equipment. Notwithstanding any provision of this Act to the
4 contrary, a manufacturer, distributor, or importing
5 distributor may:

6 (1) give dispensing equipment free of charge to a
7 retailer, special use permit licensee, caterer retailer,
8 or brew pub one time per year for a one-day period. A
9 manufacturer, distributor, or importing distributor shall
10 not supply a retailer, special use permit licensee, caterer
11 retailer, or brew pub with free beer, wine, or spirits for
12 the same one-day period the dispensing equipment is given;

13 (2) give dispensing equipment free of charge to a
14 special event retailer only for the duration of the
15 licensed special event. A manufacturer, distributor, or
16 importing distributor shall not supply a special event
17 retailer with free beer, wine, or distilled spirits for the
18 event the dispensing equipment is given; or

19 (3) sell dispensing equipment to a retailer, special
20 event retailer, special use permit licensee, caterer
21 retailer, or brew pub for a price that is not less than the
22 cost to the manufacturer, distributor, or importing
23 distributor. For purposes of this paragraph (3), the cost
24 of dispensing equipment is the amount that the
25 manufacturer, distributor, or importing distributor paid
26 for the dispensing equipment. If the manufacturer,

1 distributor, or importing distributor did not pay for the
2 dispensing equipment but was given the equipment, the cost
3 of the dispensing equipment is equal to (i) the amount
4 another manufacturer, distributor, or importing
5 distributor paid for the dispensing equipment, (ii) the
6 cost of manufacturing or producing the dispensing
7 equipment, or (iii) the fair market value of the dispensing
8 equipment.

9 A manufacturer, distributor, or importing distributor may
10 also enter into a written lease for the fair market value of
11 the dispensing equipment to retailers, special event
12 retailers, special use permit licensees, caterer retailers, or
13 brew pubs. The manufacturer, distributor, or importing
14 distributor shall invoice and collect the sale price or payment
15 for the entire lease period from the retailer, special event
16 retailer, special use permit licensee, caterer retailer, or
17 brew pub within 30 days of the date of the invoice or from the
18 date the lease is executed. The term of any lease for
19 dispensing equipment shall not exceed 12 months and no 12-month
20 lease shall be renewed automatically. Upon expiration of a
21 12-month lease, there shall be a lapse of 30 consecutive days
22 before the beginning of a new lease term, except that for
23 concert venues, stadiums, convention or conference centers,
24 theaters or music venues where the primary purpose of the venue
25 is to host live entertainment, and state and county fairs, the
26 term of the lease shall correspond with the entire season or

1 calendar of games, concerts, conferences, or other events of a
2 similar nature. At the direction of the manufacturer,
3 distributor, or importing distributor, the retailer, special
4 event retailer, special use permit licensee, caterer retailer,
5 or brew pub shall return the equipment or the manufacturer,
6 distributor, or importing distributor shall retrieve the
7 dispensing equipment at the termination of the lease.

8 For purposes of this Section, "dispensing equipment" means
9 any portable or temporary unit the primary purpose of which is
10 to pour beer or to maintain the beer in a consumable state.

11 "Dispensing equipment" includes, but is not limited to,
12 courtesy wagons, beer wagons, beer trailers, Waymatics,
13 trailers, ice bins, draft coolers, coil boxes, portable bars,
14 and kiosks. "Dispensing equipment" does not include permanent
15 tap systems, permanent refrigeration systems, or any other
16 built-in or physically attached fixture of the retailer,
17 special event retailer, special use permit licensee, caterer
18 retailer, or brew pub.

19 The State Commission shall adopt rules to define the term
20 "fair market value" for selling or leasing dispensing
21 equipment.