



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/05/04, by Paul D. Froehlich, Sidney H. Mathias

**SYNOPSIS AS INTRODUCED:**

235 ILCS 5/6-33 new

Amends the Liquor Control Act of 1934. Provides that a licensee shall not sell alcoholic malt beverages in a container with a capacity of 2 gallons or more unless the container is labeled with certain identifying information and the purchaser pays refundable container and registration fees. Provides that tampering with a label containing the identifying information required under this amendatory Act is a Class C misdemeanor. Preempts home rule powers. Provides that the provisions of the amendatory Act are severable.

LRB093 18306 LRD 44011 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning alcoholic 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 adding Section 6-33 as follows:

6 (235 ILCS 5/6-33 new)

7 Sec. 6-33. Sale of alcoholic liquor in large-volume  
8 containers.

9 (a) For the purposes of this Section, the term "keg" means  
10 a container having a capacity by volume of more than 2 gallons  
11 of liquid.

12 (b) No licensee shall sell alcoholic malt beverages at  
13 retail in a keg, except as provided in this Section. Each keg  
14 containing alcoholic malt beverages that is sold at retail  
15 shall be labeled with the name and address of the retail  
16 licensee and an identifying serial number. The State Commission  
17 may prescribe the form of labels to be used for this purpose.  
18 The label shall be placed on the keg at the time of retail  
19 sale.

20 (c) Any person who knowingly tampers with, alters, or  
21 removes the keg identification number from a container after  
22 the container has been taken from a licensed premises pursuant  
23 to a retail sale and before its return to the licensed premises  
24 or other place where returned kegs are accepted is guilty of a  
25 Class C misdemeanor.

26 (d) A retail licensee must require each person who  
27 purchases a keg containing malt beverages to present positive  
28 identification containing proof that the purchaser is at least  
29 21 years of age at the time of purchase in the form of a motor  
30 vehicle operator's license, State identification card, or  
31 military identification if the military identification  
32 contains a picture of the purchaser.

1       (e) A licensee shall record for each sale of a keg  
2 containing malt beverages the date of the sale, the size of the  
3 keg, the keg identification number, the amount of the container  
4 and registration fees, the name and address of the purchaser,  
5 and the number of the purchaser's motor vehicle operator's  
6 license, State identification card, or military  
7 identification, together with the purchaser's signature. The  
8 purchaser must sign a statement at the time of purchase  
9 attesting under penalty of perjury to the accuracy of the  
10 purchaser's name and address shown and acknowledging that  
11 misuse of the keg or its contents may result in civil  
12 liability, criminal prosecution, or both. The licensee shall  
13 record the date and amount of each container and registration  
14 fee refund. The records shall be kept by the licensee for not  
15 less than 3 years after the date of the sale. The State  
16 Commission may prescribe a form or forms for use in recording  
17 the information required under this subsection.

18       (f) A licensee that sells alcoholic malt beverages in kegs  
19 must purchase the forms required under this Section from the  
20 State Commission. The amount charged for the forms by the State  
21 Commission shall be reasonable and shall not exceed the  
22 reasonable and necessary costs of producing, distributing, and  
23 processing the forms. Funds collected by the State Commission  
24 from the sale of the forms shall be paid into the Dram Shop  
25 Fund. Moneys paid into the Dram Shop Fund under this Section  
26 shall be used for the purpose of operating the Beverage and  
27 Alcohol Sellers and Servers Education and training (BASSET)  
28 Program, for the implementation of container fee and  
29 registration fee requirements under this Section, and for use  
30 in administering and complying with the requirements of this  
31 Section.

32       (g) A retail licensee must require the purchaser of keg  
33 containing alcoholic malt beverages to pay, in addition to the  
34 purchase price:

35           (1) A container fee of not less than \$10 for each keg  
36 having a capacity of 6 or more gallons and of not less than

1 \$1 for each keg having a capacity of less than 6 gallons;  
2 and

3 (2) A registration fee of \$10 for each keg having a  
4 capacity of 6 or more gallons and of \$4 for each keg having  
5 a capacity of less than 6 gallons.

6 Upon the return of a keg sold by the licensee, the licensee  
7 shall pay the container fee to the person returning the keg.  
8 Upon the return of a keg sold by the licensee within 60 days  
9 after the date of purchase and with the correctly numbered  
10 label legible and properly attached thereon, and only upon such  
11 a return, the licensee must repay the registration fee to the  
12 person returning the keg.

13 Any registration fee that is not refunded within 60 days  
14 after the purchase shall be forfeited. All forfeited  
15 registration fees must be paid to the local licensing authority  
16 where the licensee's premises are located within 90 days after  
17 the forfeiture. Non-refunded container fees shall be retained  
18 by the licensee.

19 (h) The imposition of requirements with respect to keg fees  
20 and registration is an exclusive power and function of the  
21 State. A home rule unit may not impose requirements with  
22 respect to keg fees or registration. This Section is a denial  
23 and limitation of home rule powers and functions under  
24 subsection (h) of Section 6 of Article VII of the Illinois  
25 Constitution.

26 (i) The provisions of this Section 6-32 are severable, and  
27 if any provision or any application thereof is held by a court  
28 of competent jurisdiction to be invalid, the invalidity shall  
29 not affect any other provision of this Section.