

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Section 5-3 and by adding Sections 1-3.39 and 6-36 as  
6 follows:

7 (235 ILCS 5/1-3.39 new)

8 Sec. 1-3.39. Homemade brewed beverage. "Homemade brewed  
9 beverage" means beer or any other beverage obtained by the  
10 alcoholic fermentation of an infusion or concoction of grains,  
11 sugars, or both in water and includes, but is not limited to,  
12 beer, mead, and cider made by a person 21 years of age or  
13 older, through his or her own efforts, fermented at his or her  
14 place of residence, fermented at another place of residence of  
15 a homemade brewed beverage brewer, or fermented at a premises  
16 of a commercial enterprise that is engaged primarily in selling  
17 supplies and equipment for use by home brewers and not for a  
18 commercial purpose but for consumption by that person or his or  
19 her family, neighbors, guests, and friends or for use at an  
20 exhibition, demonstration, judging, tasting, or sampling with  
21 sampling sizes as authorized by Section 6-31 of this Act or as  
22 part of a contest or competition authorized by Section 6-36 of  
23 this Act.

1 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

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

9 For a manufacturer's license:

|    |  |         |
|----|--|---------|
| 10 | Class 1. Distiller .....                     | \$3,600 |
| 11 | Class 2. Rectifier .....                     | 3,600   |
| 12 | Class 3. Brewer .....                        | 900     |
| 13 | Class 4. First-class Wine Manufacturer ..... | 600     |
| 14 | Class 5. Second-class                        |         |
| 15 | Wine Manufacturer .....                      | 1,200   |
| 16 | Class 6. First-class wine-maker .....        | 600     |
| 17 | Class 7. Second-class wine-maker .....       | 1200    |
| 18 | Class 8. Limited Wine Manufacturer .....     | 120     |
| 19 | Class 9. Craft Distiller .....               | 1,800   |
| 20 | Class 10. Craft Brewer .....                 | 25      |
| 21 | For a Brew Pub License .....                 | 1,050   |
| 22 | For a caterer retailer's license .....       | 200     |
| 23 | For a foreign importer's license .....       | 25      |
| 24 | For an importing distributor's license ..... | 25      |
| 25 | For a distributor's license .....            | 270     |

|    |  |       |
|----|--|-------|
| 1  | For a non-resident dealer's license          |       |
| 2  | (500,000 gallons or over) .....              | 270   |
| 3  | For a non-resident dealer's license          |       |
| 4  | (under 500,000 gallons) .....                | 90    |
| 5  | For a wine-maker's premises license .....    | 100   |
| 6  | For a winery shipper's license               |       |
| 7  | (under 250,000 gallons) .....                | 150   |
| 8  | For a winery shipper's license               |       |
| 9  | (250,000 or over, but under 500,000 gallons) | 500   |
| 10 | For a winery shipper's license               |       |
| 11 | (500,000 gallons or over) .....              | 1,000 |
| 12 | For a wine-maker's premises license,         |       |
| 13 | second location .....                        | 350   |
| 14 | For a wine-maker's premises license,         |       |
| 15 | third location .....                         | 350   |
| 16 | For a retailer's license .....               | 500   |
| 17 | For a special event retailer's license,      |       |
| 18 | (not-for-profit) .....                       | 25    |
| 19 | For a special use permit license,            |       |
| 20 | one day only .....                           | 50    |
| 21 | 2 days or more .....                         | 100   |
| 22 | For a railroad license .....                 | 60    |
| 23 | For a boat license .....                     | 180   |
| 24 | For an airplane license, times the           |       |
| 25 | licensee's maximum number of aircraft        |       |
| 26 | in flight, serving liquor over the           |       |

1 State at any given time, which either  
2 originate, terminate, or make  
3 an intermediate stop in the State ..... 60

4 For a non-beverage user's license:

5 Class 1 ..... 24  
6 Class 2 ..... 60  
7 Class 3 ..... 120  
8 Class 4 ..... 240  
9 Class 5 ..... 600

10 For a broker's license ..... 600  
11 For an auction liquor license ..... 50  
12 For a homebrewer special event permit ..... 25

13 Fees collected under this Section shall be paid into the  
14 Dram Shop Fund. On and after July 1, 2003, of the funds  
15 received for a retailer's license, in addition to the first  
16 \$175, an additional \$75 shall be paid into the Dram Shop Fund,  
17 and \$250 shall be paid into the General Revenue Fund. Beginning  
18 June 30, 1990 and on June 30 of each subsequent year through  
19 June 29, 2003, any balance over \$5,000,000 remaining in the  
20 Dram Shop Fund shall be credited to State liquor licensees and  
21 applied against their fees for State liquor licenses for the  
22 following year. The amount credited to each licensee shall be a  
23 proportion of the balance in the Dram Fund that is the same as  
24 the proportion of the license fee paid by the licensee under  
25 this Section for the period in which the balance was  
26 accumulated to the aggregate fees paid by all licensees during

1 that period.

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

4 (a) Hospitals, sanitariums, or clinics when their use  
5 of alcoholic liquor is exclusively medicinal, mechanical  
6 or scientific.

7 (b) Universities, colleges of learning or schools when  
8 their use of alcoholic liquor is exclusively medicinal,  
9 mechanical or scientific.

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

12 (Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11.)

13 (235 ILCS 5/6-36 new)

14 Sec. 6-36. Homemade brewed beverages.

15 (a) No license or permit is required under this Act for the  
16 making of homemade brewed beverages or for the possession,  
17 transportation, or storage of homemade brewed beverages by any  
18 person 21 years of age or older, if all of the following apply:

19 (1) the person who makes the homemade brewed beverages  
20 receives no compensation;

21 (2) the homemade brewed beverages is not sold or  
22 offered for sale; and

23 (3) the total quantity of homemade brewed beverages  
24 made, in a calendar year, by the person does not exceed 100  
25 gallons if the household has only one person 21 years of

1 age or older or 200 gallons if the household has 2 or more  
2 persons 21 years of age or older.

3 (b) A person who makes, possesses, transports, or stores  
4 homemade brewed beverages in compliance with the limitations  
5 specified in subsection (a) is not a brewer, craft brewer,  
6 wholesaler, retailer, or a manufacturer of beer for the  
7 purposes of this Act.

8 (c) Homemade brewed beverages made in compliance with the  
9 limitations specified in subsection (a) may be consumed by the  
10 person who made it and his or her family, neighbors, and  
11 friends at any private residence or other private location  
12 where the possession and consumption of alcohol is permissible  
13 under this Act, local ordinances, and other applicable law,  
14 provided that the homemade brewed beverages are not made  
15 available for consumption by the general public.

16 (d) Homemade brewed beverages made in compliance with the  
17 limitations specified in subsection (a) may be used for  
18 purposes of a public exhibition, demonstration, tasting, or  
19 sampling with sampling sizes as authorized by Section 6-31, if  
20 the event is held at a private residence or at a location other  
21 than a retail licensed premises. If the public event is not  
22 held at a private residence, the event organizer shall obtain a  
23 homebrewer special event permit for each location, and is  
24 subject to the provisions in subsection (a) of Section 6-21.  
25 Homemade brewed beverages used for purposes described in this  
26 subsection (d), including the submission or consumption of the

1 homemade brewed beverages, are not considered sold or offered  
2 for sale under this Act. A public exhibition, demonstration,  
3 tasting, or sampling with sampling sizes as authorized by  
4 Section 6-31 held by a licensee on a location other than a  
5 retail licensed premises may require an admission charge to the  
6 event, but no separate or additional fee may be charged for the  
7 consumption of a person's homemade brewed beverages at the  
8 public exhibition, demonstration, tasting, or sampling with  
9 sampling sizes as authorized by Section 6-31. Event admission  
10 charges that are collected may be partially used to provide  
11 prizes to makers of homemade brewed beverages, but the  
12 admission charges may not be divided in any fashion among the  
13 makers of the homemade brewed beverages who participate in the  
14 event. Homemade brewed beverages used for purposes described in  
15 this subsection (d) are not considered sold or offered for sale  
16 under this Act if a maker of homemade brewed beverages receives  
17 free event admission or discounted event admission in return  
18 for the maker's donation of the homemade brewed beverages to an  
19 event specified in this subsection (d) that collects event  
20 admission charges; free admission or discounted admission to  
21 the event is not considered compensation under this Act. No  
22 admission fee and no charge for the consumption of a person's  
23 homemade brewed beverage may be collected if the public  
24 exhibition, demonstration, tasting, sampling with sampling  
25 sizes as authorized by Section 6-31 is held at a private  
26 residence.

1       (e) A person who is not a licensee under this Act may at a  
2 private residence, and a person who is a licensee under this  
3 Act may on the licensed premises, conduct, sponsor, or host a  
4 contest, competition, or other event for the exhibition,  
5 demonstration, judging, tasting, or sampling of homemade  
6 brewed beverages made in compliance with the limitations  
7 specified in subsection (a), if the person does not sell the  
8 homemade brewed beverages and, unless the person is the brewer  
9 of the homemade brewed beverages, does not acquire any  
10 ownership interest in the homemade brewed beverages. If the  
11 contest, competition, exhibition, demonstration, or judging is  
12 not held at a private residence, the consumption of the  
13 homemade brewed beverages is limited to qualified judges and  
14 stewards as defined by a national or international beer judging  
15 program, who are identified by the event organizer in advance  
16 of the contest, competition, exhibition, demonstration, or  
17 judging. Homemade brewed beverages used for the purposes  
18 described in this subsection (e), including the submission or  
19 consumption of the homemade brewed beverages, are not  
20 considered sold or offered for sale under this Act and any  
21 prize awarded at a contest or competition or as a result of an  
22 exhibition, demonstration, or judging is not considered  
23 compensation under this Act. An exhibition, demonstration,  
24 judging, contest, or competition held by a licensee on a  
25 licensed premises may require an admission charge to the event,  
26 but no separate or additional fee may be charged for the



1 consumption of a person's homemade brewed beverage at the  
2 exhibition, demonstration, judging, contest, or competition. A  
3 portion of event admission charges that are collected may be  
4 used to provide prizes to makers of homemade brewed beverages,  
5 but the admission charges may not be divided in any fashion  
6 among the makers of the homemade brewed beverages who  
7 participate in the event. Homemade brewed beverages used for  
8 purposes described in this subsection (e) are not considered  
9 sold or offered for sale under this Act if a maker of homemade  
10 brewed beverages receives free event admission or discounted  
11 event admission in return for the maker's donation of the  
12 homemade brewed beverages to an event specified in this  
13 subsection (e) that collects event admission charges; free  
14 admission or discounted admission to the event is not  
15 considered compensation under this Act. No admission fee and no  
16 charge for the consumption of a person's homemade brewed  
17 beverage may be charged if the exhibition, demonstration,  
18 judging, contest, or competition is held at a private  
19 residence. The fact that a person is acting in a manner  
20 authorized by this Section is not, by itself, sufficient to  
21 constitute a public nuisance under Section 10-7 of this Act. If  
22 the contest, competition, or other event is held on licensed  
23 premises, the licensee may allow the homemade brewed beverages  
24 to be stored on the premises if the homemade brewed beverages  
25 are clearly identified, kept separate from any alcohol  
26 beverages owned by the licensee. If the contest, competition,

1 or other event is held on licensed premises, other provisions  
2 of this Act not inconsistent with this Section apply.

3 (f) A commercial enterprise engaged primarily in selling  
4 supplies and equipment to the public for use by homebrewers may  
5 manufacture homemade brewed beverages for the purpose of  
6 tasting the homemade brewed beverages at the location of the  
7 commercial enterprise, provided that the homemade brewed  
8 beverages are not sold or offered for sale. Homemade brewed  
9 beverages provided at a commercial enterprise for tasting under  
10 this subsection (f) shall be in compliance with Sections 6-16,  
11 6-21, and 6-31 of this Act. A commercial enterprise engaged  
12 solely in selling supplies and equipment for use by homebrewers  
13 shall not be required to secure a license under this Act,  
14 however, such commercial enterprise shall secure liquor  
15 liability insurance coverage in an amount at least equal to the  
16 maximum liability amounts set forth in subsection (a) of  
17 Section 6-21 of this Act.

18 (g) Homemade brewed beverages are not subject to Section  
19 8-1 of this Act.

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