**Section 100.250 Transfer of Alcohol**

a) The holder of a retail license is prohibited from selling, giving, or transferring alcoholic products subject to the jurisdiction of the Act to another retail license holder unless permitted by the Act, this Part, or an express authorization by the Commission.

b) The holder of a retail license is prohibited from purchasing, receiving, or accepting alcoholic products subject to the jurisdiction of the Act from another retail license holder unless permitted by the Act, this Part, or an express authorization by the Commission.

c) Unless otherwise permitted by the Act, this Part, or the express authorization of the Commission, a retail licensee shall purchase all alcoholic products subject to the jurisdiction of the Act from an Illinois licensed distributor or a licensee holding a self-distribution exemption in which there is a bona fide transfer of title.

d) Transfer of Alcohol Approval Process

1) The Commission may authorize the holder of a retail license to sell, give, transfer, purchase, receive or accept alcoholic products subject to the Act, to or from another holder of a retail license.

2) The Commission may delegate to Commission staff the review, approval, or denial of the request to transfer alcohol.

3) The request must be approved by the Commission prior to the transfer.

4) The request shall be submitted on forms provided by the Commission. Forms must be completed in their entirety prior to review or approval by the Commission.

5) In normal circumstances, a request must be submitted and approved by the Commission prior to the transfer. In the case of an imminent act of god, the request must be received prior to the transfer.

6) The Commission will review each request based on the information provided in the request and other factors known to the Commission.

7) Each request will be reviewed independently of any other licenses held by the owners.

8) The authorization may be subject to conditions imposed by the Commission at the time of the approval.

9) Upon approval by the Commission, the licensee must maintain a copy of the authorization at its premises for a period of 90 days following approval or until all transferred products have been sold by the licensee, whichever is later.

e) In reviewing a transfer request, the Commission may utilize the following factors:

1) Acts of god (such as, but not limited to, fires, explosions, tornadoes, earthquakes, drought, and floods);

2) Federal, State, or local law change;

3) Other unforeseeable circumstances beyond the control of the licensee, such as circumstances:

A) the licensee cannot reasonably take precautions to prevent; and

B) in which the only reasonable method of dispossessing of the alcoholic liquor products would be through a transfer to another licensee;

4) Bankruptcy;

5) Permanent or temporary closure of the licensee; or

6) A new licensee opens a business at the same location where the prior licensee conducted business, when the new licensee takes possession of the inventory of the immediately prior licensee.

f) This Section shall not apply to transfers made under Section 100.150 (Salvaged Alcoholic Liquors).

g) For the purposes of this Section, "retail license" shall include the following licenses: *retailer, caterer retailer, Special Event Retailer's (not-for-profit), railroad, boat, wine maker's premises, airplane, brew pub, and distiller pub licenses* (Section 5-1 of the Act).

(Source: Amended at 44 Ill. Reg. 16811, effective September 29, 2020)