



Rep. Tim Butler

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1 AMENDMENT TO HOUSE BILL 3662

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3662 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 1-3.33, 1-3.38, 1-3.42, 3-12, 5-1, and 6-4 as  
6 follows:

7 (235 ILCS 5/1-3.33)

8 Sec. 1-3.33. "Brew Pub" means a person who manufactures no  
9 more than 155,000 gallons of beer, cider, and mead per year  
10 only at a designated licensed premises to make sales to  
11 importing distributors, distributors, and to non-licensees for  
12 use and consumption only, who stores beer, cider, or mead at  
13 the designated premises, and who is allowed to sell at retail  
14 from the licensed premises, provided that a brew pub licensee  
15 shall not sell for off-premises consumption more than 155,000  
16 gallons per year.

1 (Source: P.A. 99-448, eff. 8-24-15.)

2 (235 ILCS 5/1-3.38)

3 Sec. 1-3.38. Class 1 brewer. "Class 1 brewer" means a  
4 person who is a holder of a brewer license or non-resident  
5 dealer license who manufactures up to 930,000 gallons of beer,  
6 cider, and mead per year and who may make sales and deliveries  
7 to importing distributors and distributors and to retail  
8 licensees in accordance with the conditions set forth in  
9 paragraph (18) of subsection (a) of Section 3-12 of this Act.

10 (Source: P.A. 98-401, eff. 8-16-13; 99-448, eff. 8-24-15.)

11 (235 ILCS 5/1-3.42)

12 Sec. 1-3.42. Class 2 brewer. "Class 2 brewer" means a  
13 person who is a holder of a brewer license or non-resident  
14 dealer license who manufactures up to 3,720,000 gallons of  
15 beer, cider, and mead per year for sale to a licensed importing  
16 distributor or distributor.

17 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16.)

18 (235 ILCS 5/3-12)

19 Sec. 3-12. Powers and duties of State Commission.

20 (a) The State commission shall have the following powers,  
21 functions, and duties:

22 (1) To receive applications and to issue licenses to  
23 manufacturers, foreign importers, importing distributors,

1 distributors, non-resident dealers, on premise consumption  
2 retailers, off premise sale retailers, special event  
3 retailer licensees, special use permit licenses, auction  
4 liquor licenses, brew pubs, caterer retailers,  
5 non-beverage users, railroads, including owners and  
6 lessees of sleeping, dining and cafe cars, airplanes,  
7 boats, brokers, and wine maker's premises licensees in  
8 accordance with the provisions of this Act, and to suspend  
9 or revoke such licenses upon the State commission's  
10 determination, upon notice after hearing, that a licensee  
11 has violated any provision of this Act or any rule or  
12 regulation issued pursuant thereto and in effect for 30  
13 days prior to such violation. Except in the case of an  
14 action taken pursuant to a violation of Section 6-3, 6-5,  
15 or 6-9, any action by the State Commission to suspend or  
16 revoke a licensee's license may be limited to the license  
17 for the specific premises where the violation occurred.

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

24 For the purpose of this paragraph (1), when determining  
25 multiple violations for the sale of alcohol to a person  
26 under the age of 21, a second or subsequent violation for

1 the sale of alcohol to a person under the age of 21 shall  
2 only be considered if it was committed within 5 years after  
3 the date when a prior violation for the sale of alcohol to  
4 a person under the age of 21 was committed.

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

21 (2) To adopt such rules and regulations consistent with  
22 the provisions of this Act which shall be necessary to  
23 carry on its functions and duties to the end that the  
24 health, safety and welfare of the People of the State of  
25 Illinois shall be protected and temperance in the  
26 consumption of alcoholic liquors shall be fostered and

1 promoted and to distribute copies of such rules and  
2 regulations to all licensees affected thereby.

3 (3) To call upon other administrative departments of  
4 the State, county and municipal governments, county and  
5 city police departments and upon prosecuting officers for  
6 such information and assistance as it deems necessary in  
7 the performance of its duties.

8 (4) To recommend to local commissioners rules and  
9 regulations, not inconsistent with the law, for the  
10 distribution and sale of alcoholic liquors throughout the  
11 State.

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

20 (5.1) Upon receipt of a complaint or upon having  
21 knowledge that any person is engaged in business as a  
22 manufacturer, importing distributor, distributor, or  
23 retailer without a license or valid license, to notify the  
24 local liquor authority, file a complaint with the State's  
25 Attorney's Office of the county where the incident  
26 occurred, or initiate an investigation with the

1 appropriate law enforcement officials.

2 (5.2) To issue a cease and desist notice to persons  
3 shipping alcoholic liquor into this State from a point  
4 outside of this State if the shipment is in violation of  
5 this Act.

6 (5.3) To receive complaints from licensees, local  
7 officials, law enforcement agencies, organizations, and  
8 persons stating that any licensee has been or is violating  
9 any provision of this Act or the rules and regulations  
10 issued pursuant to this Act. Such complaints shall be in  
11 writing, signed and sworn to by the person making the  
12 complaint, and shall state with specificity the facts in  
13 relation to the alleged violation. If the Commission has  
14 reasonable grounds to believe that the complaint  
15 substantially alleges a violation of this Act or rules and  
16 regulations adopted pursuant to this Act, it shall conduct  
17 an investigation. If, after conducting an investigation,  
18 the Commission is satisfied that the alleged violation did  
19 occur, it shall proceed with disciplinary action against  
20 the licensee as provided in this Act.

21 (6) To hear and determine appeals from orders of a  
22 local commission in accordance with the provisions of this  
23 Act, as hereinafter set forth. Hearings under this  
24 subsection shall be held in Springfield or Chicago, at  
25 whichever location is the more convenient for the majority  
26 of persons who are parties to the hearing.

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

25           (8) In the conduct of any hearing authorized to be held  
26 by the commission, to appoint, at the commission's

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

13 Any Circuit Court may by order duly entered, require  
14 the attendance of witnesses and the production of relevant  
15 books subpoenaed by the State commission and the court may  
16 compel obedience to its order by proceedings for contempt.

17 (9) To investigate the administration of laws in  
18 relation to alcoholic liquors in this and other states and  
19 any foreign countries, and to recommend from time to time  
20 to the Governor and through him or her to the legislature  
21 of this State, such amendments to this Act, if any, as it  
22 may think desirable and as will serve to further the  
23 general broad purposes contained in Section 1-2 hereof.

24 (10) To adopt such rules and regulations consistent  
25 with the provisions of this Act which shall be necessary  
26 for the control, sale or disposition of alcoholic liquor



1 damaged as a result of an accident, wreck, flood, fire or  
2 other similar occurrence.

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

7 (11.1) To license persons providing education and  
8 training to alcohol beverage sellers and servers for  
9 mandatory and non-mandatory training under the Beverage  
10 Alcohol Sellers and Servers Education and Training  
11 (BASSET) programs and to develop and administer a public  
12 awareness program in Illinois to reduce or eliminate the  
13 illegal purchase and consumption of alcoholic beverage  
14 products by persons under the age of 21. Application for a  
15 license shall be made on forms provided by the State  
16 Commission.

17 (12) To develop and maintain a repository of license  
18 and regulatory information.

19 (13) On or before January 15, 1994, the Commission  
20 shall issue a written report to the Governor and General  
21 Assembly that is to be based on a comprehensive study of  
22 the impact on and implications for the State of Illinois of  
23 Section 1926 of the federal ~~Federal~~ ADAMHA Reorganization  
24 Act of 1992 (Public Law 102-321). This study shall address  
25 the extent to which Illinois currently complies with the  
26 provisions of P.L. 102-321 and the rules promulgated

1           pursuant thereto.

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

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

6           (ii) the number of reported citations and  
7 successful convictions, categorized by type and  
8 location of retail distributor, for violation of the  
9 Prevention of Tobacco Use by Minors and Sale and  
10 Distribution of Tobacco Products Act and the Smokeless  
11 Tobacco Limitation Act;

12           (iii) the extent and nature of organized  
13 educational and governmental activities that are  
14 intended to promote, encourage or otherwise secure  
15 compliance with any Illinois laws that prohibit the  
16 sale or distribution of tobacco products to minors; and

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

19           To obtain the data necessary to comply with the  
20 provisions of P.L. 102-321 and the requirements of this  
21 report, the Commission shall conduct random, unannounced  
22 inspections of a geographically and scientifically  
23 representative sample of the State's retail tobacco  
24 distributors.

25           The Commission shall consult with the Department of  
26 Public Health, the Department of Human Services, the

1 Illinois State Police and any other executive branch  
2 agency, and private organizations that may have  
3 information relevant to this report.

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

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

19 (A) The amount of State excise and sales tax  
20 revenues generated.

21 (B) The amount of licensing fees received.

22 (C) The number of cases of wine shipped from inside  
23 and outside of this State directly to residents of this  
24 State.

25 (D) The number of alcohol compliance operations  
26 conducted.

1           (E) The number of winery shipper's licenses  
2 issued.

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

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

19           (16) The Commission shall, in addition to notifying any  
20 appropriate law enforcement agency, submit notices of  
21 complaints or violations of Sections 6-29 and 6-29.1 by  
22 persons who do not hold a winery shipper's license under  
23 this ~~amendatory~~ Act to the Illinois Attorney General and to  
24 the U.S. Department of Treasury's Alcohol and Tobacco Tax  
25 and Trade Bureau.

26           (17) (A) A person licensed to make wine under the laws

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

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

22 (C) The Commission shall approve the application  
23 for a self-distribution exemption if such person: (1)  
24 is in compliance with State revenue and liquor laws;  
25 (2) is not a member of any affiliated group that  
26 produces more than 25,000 gallons of wine per annum or

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

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

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

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

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

5 (H) It is the intent of this subsection (17) to  
6 promote and continue orderly markets. The General  
7 Assembly finds that in order to preserve Illinois'  
8 regulatory distribution system it is necessary to  
9 create an exception for smaller makers of wine as their  
10 wines are frequently adjusted in varietals, mixes,  
11 vintages, and taste to find and create market niches  
12 sometimes too small for distributor or importing  
13 distributor business strategies. Limited  
14 self-distribution rights will afford and allow smaller  
15 makers of wine access to the marketplace in order to  
16 develop a customer base without impairing the  
17 integrity 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 cider, and mead, may make application to the State  
22 Commission for a self-distribution exemption to allow the  
23 sale of not more than 232,500 gallons of the exemption  
24 holder's beer, cider, and mead to retail licensees per  
25 year.

26 (B) In the application, which shall be sworn under

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

11 (C) Any application submitted shall be posted on  
12 the State Commission's website at least 45 days prior  
13 to action by the State Commission. The State Commission  
14 shall approve the application for a self-distribution  
15 exemption if the class 1 brewer licensee: (1) is in  
16 compliance with the State, revenue, and alcoholic  
17 beverage laws; (2) is not a member of any affiliated  
18 group that manufactures ~~manufacturers~~ more than  
19 930,000 gallons of beer, cider, and mead per annum or  
20 produces any other alcoholic beverages; (3) shall not  
21 annually manufacture for sale more than 930,000  
22 gallons of beer, cider, and mead; (4) shall not  
23 annually sell more than 232,500 gallons of its beer, cider, and mead to retail licensees; and (5) has  
24 relinquished any brew pub license held by the licensee,  
25 including any ownership interest it held in the  
26



1 licensed brew pub.

2 (D) A self-distribution exemption holder shall  
3 annually certify to the State Commission its  
4 manufacture of beer, cider, and mead during the  
5 previous 12 months and its anticipated manufacture and  
6 sales of beer, cider, and mead for the next 12 months.  
7 The State Commission may fine, suspend, or revoke a  
8 self-distribution exemption after a hearing if it  
9 finds that the exemption holder has made a material  
10 misrepresentation in its application, violated a  
11 revenue or alcoholic beverage law of Illinois,  
12 exceeded the manufacture of 930,000 gallons of beer,  
13 cider, and mead in any calendar year or became part of  
14 an affiliated group manufacturing more than 930,000  
15 gallons of beer, cider, and mead or any other alcoholic  
16 beverage.

17 (E) The State Commission shall issue rules and  
18 regulations governing self-distribution exemptions  
19 consistent with this Act.

20 (F) Nothing in this paragraph (18) shall prohibit a  
21 self-distribution exemption holder from entering into  
22 or simultaneously having a distribution agreement with  
23 a licensed Illinois importing distributor or a  
24 distributor. If a self-distribution exemption holder  
25 enters into a distribution agreement and has assigned  
26 distribution rights to an importing distributor or

1 distributor, then the self-distribution exemption  
2 holder's distribution rights in the assigned  
3 territories shall cease in a reasonable time not to  
4 exceed 60 days.

5 (G) It is the intent of this paragraph (18) to  
6 promote and continue orderly markets. The General  
7 Assembly finds that in order to preserve Illinois'  
8 regulatory distribution system, it is necessary to  
9 create an exception for smaller manufacturers in order  
10 to afford and allow such smaller manufacturers of beer,  
11 cider, and mead access to the marketplace in order to  
12 develop a customer base without impairing the  
13 integrity of the 3-tier system.

14 (b) On or before April 30, 1999, the Commission shall  
15 present a written report to the Governor and the General  
16 Assembly that shall be based on a study of the impact of Public  
17 Act 90-739 ~~this amendatory Act of 1998~~ on the business of  
18 soliciting, selling, and shipping alcoholic liquor from  
19 outside of this State directly to residents of this State.

20 As part of its report, the Commission shall provide the  
21 following information:

22 (i) the amount of State excise and sales tax revenues  
23 generated as a result of Public Act 90-739 ~~this amendatory~~  
24 ~~Act of 1998~~;

25 (ii) the amount of licensing fees received as a result  
26 of Public Act 90-739 ~~this amendatory Act of 1998~~;

1 (iii) the number of reported violations, the number of  
2 cease and desist notices issued by the Commission, the  
3 number of notices of violations issued to the Department of  
4 Revenue, and the number of notices and complaints of  
5 violations to law enforcement officials.

6 (Source: P.A. 98-401, eff. 8-16-13; 98-939, eff. 7-1-15;  
7 98-941, eff. 1-1-15; 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;  
8 revised 9-13-16.)

9 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

12 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
13 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
14 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
15 First Class Winemaker, Class 7. Second Class Winemaker, Class  
16 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class  
17 10. Class 1 Brewer, Class 11. Class 2 Brewer,

18 (b) Distributor's license,

19 (c) Importing Distributor's license,

20 (d) Retailer's license,

21 (e) Special Event Retailer's license (not-for-profit),

22 (f) Railroad license,

23 (g) Boat license,

24 (h) Non-Beverage User's license,

25 (i) Wine-maker's premises license,

- 1 (j) Airplane license,
- 2 (k) Foreign importer's license,
- 3 (l) Broker's license,
- 4 (m) Non-resident dealer's license,
- 5 (n) Brew Pub license,
- 6 (o) Auction liquor license,
- 7 (p) Caterer retailer license,
- 8 (q) Special use permit license,
- 9 (r) Winery shipper's license,
- 10 (s) Craft distiller tasting permit.

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

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

19 Class 1. A Distiller may make sales and deliveries of  
20 alcoholic liquor to distillers, rectifiers, importing  
21 distributors, distributors and non-beverage users and to no  
22 other licensees.

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

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

4           Class 4. A first class wine-manufacturer may make sales and  
5 deliveries of up to 50,000 gallons of wine to manufacturers,  
6 importing distributors and distributors, and to no other  
7 licensees.

8           Class 5. A second class Wine manufacturer may make sales  
9 and deliveries of more than 50,000 gallons of wine to  
10 manufacturers, importing distributors and distributors and to  
11 no other licensees.

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

22           Class 7. A second-class wine-maker's license shall allow  
23 the manufacture of between 50,000 and 150,000 gallons of wine  
24 per year, and the storage and sale of such wine to distributors  
25 in this State and to persons without the State, as may be  
26 permitted by law. A person who, prior to June 1, 2008 (the

1 effective date of Public Act 95-634), is a holder of a  
2 second-class wine-maker's license and annually produces more  
3 than 25,000 gallons of its own wine and who distributes its  
4 wine to licensed retailers shall cease this practice on or  
5 before July 1, 2008 in compliance with Public Act 95-634.

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

10 Class 9. A craft distiller license shall allow the  
11 manufacture of up to 100,000 ~~March 1, 2013 (Public Act 97-1166)~~  
12 gallons of spirits by distillation per year and the storage of  
13 such spirits. If a craft distiller licensee, including a craft  
14 distiller licensee who holds more than one craft distiller  
15 license, is not affiliated with any other manufacturer of  
16 spirits, then the craft distiller licensee may sell such  
17 spirits to distributors in this State and up to 2,500 gallons  
18 of such spirits to non-licensees to the extent permitted by any  
19 exemption approved by the Commission pursuant to Section 6-4 of  
20 this Act. A craft distiller license holder may store such  
21 spirits at a non-contiguous licensed location, but at no time  
22 shall a craft distiller license holder directly or indirectly  
23 produce in the aggregate more than 100,000 gallons of spirits  
24 per year.

25 A craft distiller licensee may hold more than one craft  
26 distiller's license. However, a craft distiller that holds more

1 than one craft distiller license shall not manufacture, in the  
2 aggregate, more than 100,000 gallons of spirits by distillation  
3 per year and shall not sell, in the aggregate, more than 2,500  
4 gallons of such spirits to non-licensees in accordance with an  
5 exemption approved by the State Commission pursuant to Section  
6 6-4 of this Act.

7 Any craft distiller licensed under this Act who on July 28,  
8 2010 (the effective date of Public Act 96-1367) was licensed as  
9 a distiller and manufactured no more spirits than permitted by  
10 this Section shall not be required to pay the initial licensing  
11 fee.

12 Class 10. A class 1 brewer license, which may only be  
13 issued to a licensed brewer or licensed non-resident dealer,  
14 shall allow the manufacture of up to 930,000 gallons of beer,  
15 cider, and mead per year provided that the class 1 brewer  
16 licensee does not manufacture more than a combined 930,000  
17 gallons of beer, cider, and mead per year and is not a member  
18 of or affiliated with, directly or indirectly, a manufacturer  
19 that produces more than 930,000 gallons of beer, cider, and  
20 mead per year or any other alcoholic liquor. A class 1 brewer  
21 licensee may make sales and deliveries to importing  
22 distributors and distributors and to retail licensees in  
23 accordance with the conditions set forth in paragraph (18) of  
24 subsection (a) of Section 3-12 of this Act.

25 Class 11. A class 2 brewer license, which may only be  
26 issued to a licensed brewer or licensed non-resident dealer,

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

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

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



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

14 (b) A distributor's license shall allow the wholesale  
15 purchase and storage of alcoholic liquors and sale of alcoholic  
16 liquors to licensees in this State and to persons without the  
17 State, as may be permitted by law. No person licensed as a  
18 distributor shall be granted a non-resident dealer's license.

19 (c) An importing distributor's license may be issued to and  
20 held by those only who are duly licensed distributors, upon the  
21 filing of an application by a duly licensed distributor, with  
22 the Commission and the Commission shall, without the payment of  
23 any fee, immediately issue such importing distributor's  
24 license to the applicant, which shall allow the importation of  
25 alcoholic liquor by the licensee into this State from any point  
26 in the United States outside this State, and the purchase of

1 alcoholic liquor in barrels, casks or other bulk containers and  
2 the bottling of such alcoholic liquors before resale thereof,  
3 but all bottles or containers so filled shall be sealed,  
4 labeled, stamped and otherwise made to comply with all  
5 provisions, rules and regulations governing manufacturers in  
6 the preparation and bottling of alcoholic liquors. The  
7 importing distributor's license shall permit such licensee to  
8 purchase alcoholic liquor from Illinois licensed non-resident  
9 dealers and foreign importers only. No person licensed as an  
10 importing distributor shall be granted a non-resident dealer's  
11 license.

12 (d) A retailer's license shall allow the licensee to sell  
13 and offer for sale at retail, only in the premises specified in  
14 the license, alcoholic liquor for use or consumption, but not  
15 for resale in any form. Nothing in Public Act 95-634 shall  
16 deny, limit, remove, or restrict the ability of a holder of a  
17 retailer's license to transfer, deliver, or ship alcoholic  
18 liquor to the purchaser for use or consumption subject to any  
19 applicable local law or ordinance. Any retail license issued to  
20 a manufacturer shall only permit the manufacturer to sell beer  
21 at retail on the premises actually occupied by the  
22 manufacturer. For the purpose of further describing the type of  
23 business conducted at a retail licensed premises, a retailer's  
24 licensee may be designated by the State Commission as (i) an on  
25 premise consumption retailer, (ii) an off premise sale  
26 retailer, or (iii) a combined on premise consumption and off

1 premise sale retailer.

2 Notwithstanding any other provision of this subsection  
3 (d), a retail licensee may sell alcoholic liquors to a special  
4 event retailer licensee for resale to the extent permitted  
5 under subsection (e).

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

1 number under Section 1g of the Retailers' Occupation Tax Act,  
2 in which event the Commission shall set forth on the special  
3 event retailer's license a statement to that effect; (ii)  
4 submit with the application proof satisfactory to the State  
5 Commission that the applicant will provide dram shop liability  
6 insurance in the maximum limits; and (iii) show proof  
7 satisfactory to the State Commission that the applicant has  
8 obtained local authority approval.

9 (f) A railroad license shall permit the licensee to import  
10 alcoholic liquors into this State from any point in the United  
11 States outside this State and to store such alcoholic liquors  
12 in this State; to make wholesale purchases of alcoholic liquors  
13 directly from manufacturers, foreign importers, distributors  
14 and importing distributors from within or outside this State;  
15 and to store such alcoholic liquors in this State; provided  
16 that the above powers may be exercised only in connection with  
17 the importation, purchase or storage of alcoholic liquors to be  
18 sold or dispensed on a club, buffet, lounge or dining car  
19 operated on an electric, gas or steam railway in this State;  
20 and provided further, that railroad licensees exercising the  
21 above powers shall be subject to all provisions of Article VIII  
22 of this Act as applied to importing distributors. A railroad  
23 license shall also permit the licensee to sell or dispense  
24 alcoholic liquors on any club, buffet, lounge or dining car  
25 operated on an electric, gas or steam railway regularly  
26 operated by a common carrier in this State, but shall not

1 permit the sale for resale of any alcoholic liquors to any  
2 licensee within this State. A license shall be obtained for  
3 each car in which such sales are made.

4 (g) A boat license shall allow the sale of alcoholic liquor  
5 in individual drinks, on any passenger boat regularly operated  
6 as a common carrier on navigable waters in this State or on any  
7 riverboat operated under the Riverboat Gambling Act, which boat  
8 or riverboat maintains a public dining room or restaurant  
9 thereon.

10 (h) A non-beverage user's license shall allow the licensee  
11 to purchase alcoholic liquor from a licensed manufacturer or  
12 importing distributor, without the imposition of any tax upon  
13 the business of such licensed manufacturer or importing  
14 distributor as to such alcoholic liquor to be used by such  
15 licensee solely for the non-beverage purposes set forth in  
16 subsection (a) of Section 8-1 of this Act, and such licenses  
17 shall be divided and classified and shall permit the purchase,  
18 possession and use of limited and stated quantities of  
19 alcoholic liquor as follows:

- 20 Class 1, not to exceed ..... 500 gallons
- 21 Class 2, not to exceed ..... 1,000 gallons
- 22 Class 3, not to exceed ..... 5,000 gallons
- 23 Class 4, not to exceed ..... 10,000 gallons
- 24 Class 5, not to exceed ..... 50,000 gallons

25 (i) A wine-maker's premises license shall allow a licensee  
26 that concurrently holds a first-class wine-maker's license to

1 sell and offer for sale at retail in the premises specified in  
2 such license not more than 50,000 gallons of the first-class  
3 wine-maker's wine that is made at the first-class wine-maker's  
4 licensed premises per year for use or consumption, but not for  
5 resale in any form. A wine-maker's premises license shall allow  
6 a licensee who concurrently holds a second-class wine-maker's  
7 license to sell and offer for sale at retail in the premises  
8 specified in such license up to 100,000 gallons of the  
9 second-class wine-maker's wine that is made at the second-class  
10 wine-maker's licensed premises per year for use or consumption  
11 but not for resale in any form. A wine-maker's premises license  
12 shall allow a licensee that concurrently holds a first-class  
13 wine-maker's license or a second-class wine-maker's license to  
14 sell and offer for sale at retail at the premises specified in  
15 the wine-maker's premises license, for use or consumption but  
16 not for resale in any form, any beer, wine, and spirits  
17 purchased from a licensed distributor. Upon approval from the  
18 State Commission, a wine-maker's premises license shall allow  
19 the licensee to sell and offer for sale at (i) the wine-maker's  
20 licensed premises and (ii) at up to 2 additional locations for  
21 use and consumption and not for resale. Each location shall  
22 require additional licensing per location as specified in  
23 Section 5-3 of this Act. A wine-maker's premises licensee shall  
24 secure liquor liability insurance coverage in an amount at  
25 least equal to the maximum liability amounts set forth in  
26 subsection (a) of Section 6-21 of this Act.

1 (j) An airplane license shall permit the licensee to import  
2 alcoholic liquors into this State from any point in the United  
3 States outside this State and to store such alcoholic liquors  
4 in this State; to make wholesale purchases of alcoholic liquors  
5 directly from manufacturers, foreign importers, distributors  
6 and importing distributors from within or outside this State;  
7 and to store such alcoholic liquors in this State; provided  
8 that the above powers may be exercised only in connection with  
9 the importation, purchase or storage of alcoholic liquors to be  
10 sold or dispensed on an airplane; and provided further, that  
11 airplane licensees exercising the above powers shall be subject  
12 to all provisions of Article VIII of this Act as applied to  
13 importing distributors. An airplane licensee shall also permit  
14 the sale or dispensing of alcoholic liquors on any passenger  
15 airplane regularly operated by a common carrier in this State,  
16 but shall not permit the sale for resale of any alcoholic  
17 liquors to any licensee within this State. A single airplane  
18 license shall be required of an airline company if liquor  
19 service is provided on board aircraft in this State. The annual  
20 fee for such license shall be as determined in Section 5-3.

21 (k) A foreign importer's license shall permit such licensee  
22 to purchase alcoholic liquor from Illinois licensed  
23 non-resident dealers only, and to import alcoholic liquor other  
24 than in bulk from any point outside the United States and to  
25 sell such alcoholic liquor to Illinois licensed importing  
26 distributors and to no one else in Illinois; provided that (i)

1 the foreign importer registers with the State Commission every  
2 brand of alcoholic liquor that it proposes to sell to Illinois  
3 licensees during the license period, (ii) the foreign importer  
4 complies with all of the provisions of Section 6-9 of this Act  
5 with respect to registration of such Illinois licensees as may  
6 be granted the right to sell such brands at wholesale, and  
7 (iii) the foreign importer complies with the provisions of  
8 Sections 6-5 and 6-6 of this Act to the same extent that these  
9 provisions apply to manufacturers.

10 (1) (i) A broker's license shall be required of all persons  
11 who solicit orders for, offer to sell or offer to supply  
12 alcoholic liquor to retailers in the State of Illinois, or who  
13 offer to retailers to ship or cause to be shipped or to make  
14 contact with distillers, rectifiers, brewers or manufacturers  
15 or any other party within or without the State of Illinois in  
16 order that alcoholic liquors be shipped to a distributor,  
17 importing distributor or foreign importer, whether such  
18 solicitation or offer is consummated within or without the  
19 State of Illinois.

20 No holder of a retailer's license issued by the Illinois  
21 Liquor Control Commission shall purchase or receive any  
22 alcoholic liquor, the order for which was solicited or offered  
23 for sale to such retailer by a broker unless the broker is the  
24 holder of a valid broker's license.

25 The broker shall, upon the acceptance by a retailer of the  
26 broker's solicitation of an order or offer to sell or supply or



1 deliver or have delivered alcoholic liquors, promptly forward  
2 to the Illinois Liquor Control Commission a notification of  
3 said transaction in such form as the Commission may by  
4 regulations prescribe.

5 (ii) A broker's license shall be required of a person  
6 within this State, other than a retail licensee, who, for a fee  
7 or commission, promotes, solicits, or accepts orders for  
8 alcoholic liquor, for use or consumption and not for resale, to  
9 be shipped from this State and delivered to residents outside  
10 of this State by an express company, common carrier, or  
11 contract carrier. This Section does not apply to any person who  
12 promotes, solicits, or accepts orders for wine as specifically  
13 authorized in Section 6-29 of this Act.

14 A broker's license under this subsection (1) shall not  
15 entitle the holder to buy or sell any alcoholic liquors for his  
16 own account or to take or deliver title to such alcoholic  
17 liquors.

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

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

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

18 (n) A brew pub license shall allow the licensee to only (i)  
19 manufacture up to 155,000 gallons of beer, cider, and mead per  
20 year only on the premises specified in the license, (ii) make  
21 sales of the beer, cider, or mead manufactured on the premises  
22 or, with the approval of the Commission, beer, cider, or mead  
23 manufactured on another brew pub licensed premises that is  
24 wholly owned and operated by the same licensee to importing  
25 distributors, distributors, and to non-licensees for use and  
26 consumption, (iii) store the beer, cider, or mead upon the

1 premises, (iv) sell and offer for sale at retail from the  
2 licensed premises for off-premises consumption no more than  
3 155,000 gallons per year so long as such sales are only made  
4 in-person, (v) sell and offer for sale at retail for use and  
5 consumption on the premises specified in the license any form  
6 of alcoholic liquor purchased from a licensed distributor or  
7 importing distributor, and (vi) with the prior approval of the  
8 Commission, annually transfer no more than 155,000 gallons of  
9 beer, cider, and mead manufactured on the premises to a  
10 licensed brew pub wholly owned and operated by the same  
11 licensee.

12 A brew pub licensee shall not under any circumstance sell  
13 or offer for sale beer, cider, or mead manufactured by the brew  
14 pub licensee to retail licensees.

15 A person who holds a class 2 brewer license may  
16 simultaneously hold a brew pub license if the class 2 brewer  
17 (i) does not, under any circumstance, sell or offer for sale  
18 beer, cider, or mead manufactured by the class 2 brewer to  
19 retail licensees; (ii) does not hold more than 3 brew pub  
20 licenses in this State; (iii) does not manufacture more than a  
21 combined 3,720,000 gallons of beer, cider, and mead per year,  
22 including the beer, cider, and mead manufactured at the brew  
23 pub; and (iv) is not a member of or affiliated with, directly  
24 or indirectly, a manufacturer that produces more than 3,720,000  
25 gallons of beer, cider, and mead per year or any other  
26 alcoholic liquor.

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

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

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

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

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

1 maximum limits and have local authority approval.

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

1 compliance with Section 6-2 of this Act. Any third party,  
2 except for a common carrier, authorized to ship wine on behalf  
3 of a first-class or second-class wine manufacturer's licensee,  
4 a first-class or second-class wine-maker's licensee, a limited  
5 wine manufacturer's licensee, or a person who is licensed to  
6 make wine under the laws of another state shall also be  
7 disclosed by the winery shipper's licensee, and a copy of the  
8 written appointment of the third-party wine provider, except  
9 for a common carrier, to the wine manufacturer shall be filed  
10 with the State Commission as a supplement to the winery  
11 shipper's license application or any renewal thereof. The  
12 winery shipper's license holder shall affirm under penalty of  
13 perjury, as part of the winery shipper's license application or  
14 renewal, that he or she only ships wine, either directly or  
15 indirectly through a third-party provider, from the licensee's  
16 own production.

17 Except for a common carrier, a third-party provider  
18 shipping wine on behalf of a winery shipper's license holder is  
19 the agent of the winery shipper's license holder and, as such,  
20 a winery shipper's license holder is responsible for the acts  
21 and omissions of the third-party provider acting on behalf of  
22 the license holder. A third-party provider, except for a common  
23 carrier, that engages in shipping wine into Illinois on behalf  
24 of a winery shipper's license holder shall consent to the  
25 jurisdiction of the State Commission and the State. Any  
26 third-party, except for a common carrier, holding such an

1 appointment shall, by February 1 of each calendar year, file  
2 with the State Commission a statement detailing each shipment  
3 made to an Illinois resident. The State Commission shall adopt  
4 rules as soon as practicable to implement the requirements of  
5 Public Act 99-904 ~~this amendatory Act of the 99th General~~  
6 ~~Assembly~~ and shall adopt rules prohibiting any such third-party  
7 appointment of a third-party provider, except for a common  
8 carrier, that has been deemed by the State Commission to have  
9 violated the provisions of this Act with regard to any winery  
10 shipper licensee.

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



1 winery shipper and shipped to persons in this State, the winery  
2 shipper's license shall be revoked in accordance with the  
3 provisions of Article VII of this Act.

4 A winery shipper licensee must collect, maintain, and  
5 submit to the Commission on a semi-annual basis the total  
6 number of cases per resident of wine shipped to residents of  
7 this State. A winery shipper licensed under this subsection (r)  
8 must comply with the requirements of Section 6-29 of this Act.

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

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

26 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;

1 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; 99-642, eff.  
2 7-28-16; 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904,  
3 eff. 1-1-17; revised 9-15-16.)

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

5 Sec. 6-4. (a) No person licensed by any licensing authority  
6 as a distiller, or a wine manufacturer, or any subsidiary or  
7 affiliate thereof, or any officer, associate, member, partner,  
8 representative, employee, agent or shareholder owning more  
9 than 5% of the outstanding shares of such person shall be  
10 issued an importing distributor's or distributor's license,  
11 nor shall any person licensed by any licensing authority as an  
12 importing distributor, distributor or retailer, or any  
13 subsidiary or affiliate thereof, or any officer or associate,  
14 member, partner, representative, employee, agent or  
15 shareholder owning more than 5% of the outstanding shares of  
16 such person be issued a distiller's license, a craft  
17 distiller's license, or a wine manufacturer's license; and no  
18 person or persons licensed as a distiller or craft distiller by  
19 any licensing authority shall have any interest, directly or  
20 indirectly, with such distributor or importing distributor.

21 However, an importing distributor or distributor, which on  
22 January 1, 1985 is owned by a brewer, 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 the importing distributor

1 or distributor referred to in this paragraph, may own or  
2 acquire an ownership interest of more than 5% of the  
3 outstanding shares of a wine manufacturer and be issued a wine  
4 manufacturer's license by any licensing authority.

5 (b) The foregoing provisions shall not apply to any person  
6 licensed by any licensing authority as a distiller or wine  
7 manufacturer, or to any subsidiary or affiliate of any  
8 distiller or wine manufacturer who shall have been heretofore  
9 licensed by the State Commission as either an importing  
10 distributor or distributor during the annual licensing period  
11 expiring June 30, 1947, and shall actually have made sales  
12 regularly to retailers.

13 (c) Provided, however, that in such instances where a  
14 distributor's or importing distributor's license has been  
15 issued to any distiller or wine manufacturer or to any  
16 subsidiary or affiliate of any distiller or wine manufacturer  
17 who has, during the licensing period ending June 30, 1947, sold  
18 or distributed as such licensed distributor or importing  
19 distributor alcoholic liquors and wines to retailers, such  
20 distiller or wine manufacturer or any subsidiary or affiliate  
21 of any distiller or wine manufacturer holding such  
22 distributor's or importing distributor's license may continue  
23 to sell or distribute to retailers such alcoholic liquors and  
24 wines which are manufactured, distilled, processed or marketed  
25 by distillers and wine manufacturers whose products it sold or  
26 distributed to retailers during the whole or any part of its

1 licensing periods; and such additional brands and additional  
2 products may be added to the line of such distributor or  
3 importing distributor, provided, that such brands and such  
4 products were not sold or distributed by any distributor or  
5 importing distributor licensed by the State Commission during  
6 the licensing period ending June 30, 1947, but can not sell or  
7 distribute to retailers any other alcoholic liquors or wines.

8 (d) It shall be unlawful for any distiller licensed  
9 anywhere to have any stock ownership or interest in any  
10 distributor's or importing distributor's license wherein any  
11 other person has an interest therein who is not a distiller and  
12 does not own more than 5% of any stock in any distillery.  
13 Nothing herein contained shall apply to such distillers or  
14 their subsidiaries or affiliates, who had a distributor's or  
15 importing distributor's license during the licensing period  
16 ending June 30, 1947, which license was owned in whole by such  
17 distiller, or subsidiaries or affiliates of such distiller.

18 (e) Any person licensed as a brewer, ~~class 1 brewer, or~~  
19 ~~class 2 brewer~~ shall be permitted to sell on the licensed  
20 premises to non-licensees for on or off-premises consumption  
21 for the premises in which he or she actually conducts such  
22 business beer manufactured by the brewer, ~~class 1 brewer, or~~  
23 ~~class 2 brewer~~. Any person licensed as a class 1 brewer or  
24 class 2 brewer shall be permitted to sell on the licensed  
25 premises to non-licensees for on or off-premises consumption  
26 for the premises in which he or she actually conducts such

1 business beer, cider, or mead manufactured by the class 1  
2 brewer or class 2 brewer. Such sales shall be limited to  
3 on-premises, in-person sales only, for lawful consumption on or  
4 off premises. Such authorization shall be considered a  
5 privilege granted by the brewer license and, other than a  
6 manufacturer of beer as stated above, no manufacturer or  
7 distributor or importing distributor, excluding airplane  
8 licensees exercising powers provided in paragraph (i) of  
9 Section 5-1 of this Act, or any subsidiary or affiliate  
10 thereof, or any officer, associate, member, partner,  
11 representative, employee or agent, or shareholder shall be  
12 issued a retailer's license, nor shall any person having a  
13 retailer's license, excluding airplane licensees exercising  
14 powers provided in paragraph (i) of Section 5-1 of this Act, or  
15 any subsidiary or affiliate thereof, or any officer, associate,  
16 member, partner, representative or agent, or shareholder be  
17 issued a manufacturer's license or importing distributor's  
18 license.

19 A person who holds a class 1 or class 2 brewer license and  
20 is authorized by this Section to sell beer, cider, or mead to  
21 non-licensees shall not sell beer, cider, or mead to  
22 non-licensees from more than 3 total brewer or commonly owned  
23 brew pub licensed locations in this State. The class 1 or class  
24 2 brewer shall designate to the State Commission the brewer or  
25 brew pub locations from which it will sell beer, cider, or mead  
26 to non-licensees.

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

16           A craft distiller license holder shall not deliver any  
17 alcoholic liquor to any non-licensee off the licensed premises.  
18 A craft distiller shall affirm in its annual craft distiller's  
19 license application that it does not produce more than 100,000  
20 gallons of distilled spirits annually and that the craft  
21 distiller does not sell more than 2,500 gallons of spirits to  
22 non-licensees for on or off-premises consumption. In the  
23 application, which shall be sworn under penalty of perjury, the  
24 craft distiller shall state the volume of production and sales  
25 for each year since the craft distiller's establishment.

26           (f) (Blank).

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

8 (h) The changes made to this Section by Public Act 99-47  
9 shall not diminish or impair the rights of any person, whether  
10 a distiller, wine manufacturer, agent, or affiliate thereof,  
11 who requested in writing and submitted documentation to the  
12 State Commission on or before February 18, 2015 to be approved  
13 for a retail license pursuant to what has heretofore been  
14 subsection (f); provided that, on or before that date, the  
15 State Commission considered the intent of that person to apply  
16 for the retail license under that subsection and, by recorded  
17 vote, the State Commission approved a resolution indicating  
18 that such a license application could be lawfully approved upon  
19 that person duly filing a formal application for a retail  
20 license and if that person, within 90 days of the State  
21 Commission appearance and recorded vote, first filed an  
22 application with the appropriate local commission, which  
23 application was subsequently approved by the appropriate local  
24 commission prior to consideration by the State Commission of  
25 that person's application for a retail license. It is further  
26 provided that the State Commission may approve the person's

1 application for a retail license or renewals of such license if  
2 such person continues to diligently adhere to all  
3 representations made in writing to the State Commission on or  
4 before February 18, 2015, or thereafter, or in the affidavit  
5 filed by that person with the State Commission to support the  
6 issuance of a retail license and to abide by all applicable  
7 laws and duly adopted rules.

8 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;  
9 99-642, eff. 7-28-16; 99-902, eff. 8-26-16; revised  
10 10-25-16.)".