



Rep. Michael J. Zalewski

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1 AMENDMENT TO HOUSE BILL 3853

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3853 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 5-1 and 10-1 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

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

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

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

25 Class 1. A Distiller may make sales and deliveries of  
26 alcoholic liquor to distillers, rectifiers, importing

1 distributors, distributors and non-beverage users and to no  
2 other licensees.

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

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

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

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

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

1 Public Act 95-634.

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

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

16 Class 9. A craft distiller license shall allow the  
17 manufacture of up to 100,000 ~~March 1, 2013 (Public Act 97-1166)~~  
18 gallons of spirits by distillation per year and the storage of  
19 such spirits. If a craft distiller licensee, including a craft  
20 distiller licensee who holds more than one craft distiller  
21 license, is not affiliated with any other manufacturer of  
22 spirits, then the craft distiller licensee may sell such  
23 spirits to distributors in this State and up to 2,500 gallons  
24 of such spirits to non-licensees to the extent permitted by any  
25 exemption approved by the Commission pursuant to Section 6-4 of  
26 this Act. A craft distiller license holder may store such

1 spirits at a non-contiguous licensed location, but at no time  
2 shall a craft distiller license holder directly or indirectly  
3 produce in the aggregate more than 100,000 gallons of spirits  
4 per year.

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

13 Any craft distiller licensed under this Act who on July 28,  
14 2010 (the effective date of Public Act 96-1367) was licensed as  
15 a distiller and manufactured no more spirits than permitted by  
16 this Section shall not be required to pay the initial licensing  
17 fee.

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

1 distributors and distributors and to retail licensees in  
2 accordance with the conditions set forth in paragraph (18) of  
3 subsection (a) of Section 3-12 of this Act.

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

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

26 Registration of agents, representatives, or persons acting

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

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

22 (c) An importing distributor's license may be issued to and  
23 held by those only who are duly licensed distributors, upon the  
24 filing of an application by a duly licensed distributor, with  
25 the Commission and the Commission shall, without the payment of  
26 any fee, immediately issue such importing distributor's

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

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



1 licensee may be designated by the State Commission as (i) an on  
2 premise consumption retailer, (ii) an off premise sale  
3 retailer, or (iii) a combined on premise consumption and off  
4 premise sale retailer.

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

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

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

12 (f) A railroad license shall permit the licensee to import  
13 alcoholic liquors into this State from any point in the United  
14 States outside this State and to store such alcoholic liquors  
15 in this State; to make wholesale purchases of alcoholic liquors  
16 directly from manufacturers, foreign importers, distributors  
17 and importing distributors from within or outside this State;  
18 and to store such alcoholic liquors in this State; provided  
19 that the above powers may be exercised only in connection with  
20 the importation, purchase or storage of alcoholic liquors to be  
21 sold or dispensed on a club, buffet, lounge or dining car  
22 operated on an electric, gas or steam railway in this State;  
23 and provided further, that railroad licensees exercising the  
24 above powers shall be subject to all provisions of Article VIII  
25 of this Act as applied to importing distributors. A railroad  
26 license shall also permit the licensee to sell or dispense

1 alcoholic liquors on any club, buffet, lounge or dining car  
 2 operated on an electric, gas or steam railway regularly  
 3 operated by a common carrier in this State, but shall not  
 4 permit the sale for resale of any alcoholic liquors to any  
 5 licensee within this State. A license shall be obtained for  
 6 each car in which such sales are made.

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

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

- 23 Class 1, not to exceed ..... 500 gallons
- 24 Class 2, not to exceed ..... 1,000 gallons
- 25 Class 3, not to exceed ..... 5,000 gallons
- 26 Class 4, not to exceed ..... 10,000 gallons

1 Class 5, not to exceed ..... 50,000 gallons

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

1 secure liquor liability insurance coverage in an amount at  
2 least equal to the maximum liability amounts set forth in  
3 subsection (a) of Section 6-21 of this Act.

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

24 (k) A foreign importer's license shall permit such licensee  
25 to purchase alcoholic liquor from Illinois licensed  
26 non-resident dealers only, and to import alcoholic liquor other

1 than in bulk from any point outside the United States and to  
2 sell such alcoholic liquor to Illinois licensed importing  
3 distributors and to no one else in Illinois; provided that (i)  
4 the foreign importer registers with the State Commission every  
5 brand of alcoholic liquor that it proposes to sell to Illinois  
6 licensees during the license period, (ii) the foreign importer  
7 complies with all of the provisions of Section 6-9 of this Act  
8 with respect to registration of such Illinois licensees as may  
9 be granted the right to sell such brands at wholesale, and  
10 (iii) the foreign importer complies with the provisions of  
11 Sections 6-5 and 6-6 of this Act to the same extent that these  
12 provisions apply to manufacturers.

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

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

1 holder of a valid broker's license.

2 The broker shall, upon the acceptance by a retailer of the  
3 broker's solicitation of an order or offer to sell or supply or  
4 deliver or have delivered alcoholic liquors, promptly forward  
5 to the Illinois Liquor Control Commission a notification of  
6 said transaction in such form as the Commission may by  
7 regulations prescribe.

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

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

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

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

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

21 (n) A brew pub license shall allow the licensee to only (i)  
22 manufacture up to 155,000 gallons of beer per year only on the  
23 premises specified in the license, (ii) make sales of the beer  
24 manufactured on the premises or, with the approval of the  
25 Commission, beer manufactured on another brew pub licensed  
26 premises that is wholly owned and operated by the same licensee



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

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

16 A person who holds a class 2 brewer license may  
17 simultaneously hold a brew pub license if the class 2 brewer  
18 (i) does not, under any circumstance, sell or offer for sale  
19 beer manufactured by the class 2 brewer to retail licensees;  
20 (ii) does not hold more than 3 brew pub licenses in this State;  
21 (iii) does not manufacture more than a combined 3,720,000  
22 gallons of beer per year, including the beer manufactured at  
23 the brew pub; and (iv) is not a member of or affiliated with,  
24 directly or indirectly, a manufacturer that produces more than  
25 3,720,000 gallons of beer per year or any other alcoholic  
26 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 per year and continue to qualify for and hold  
8 that brew pub license if that brewer, class 2 brewer, or  
9 non-resident dealer does not simultaneously hold a class 1  
10 brewer license and is not a member of or affiliated with,  
11 directly or indirectly, a manufacturer that produces more than  
12 3,720,000 gallons of beer per year or that produces any other  
13 alcoholic liquor.

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

19           (p) An auction liquor license shall allow the licensee to  
20 sell and offer for sale at auction wine and spirits for use or  
21 consumption, or for resale by an Illinois liquor licensee in  
22 accordance with provisions of this Act. An auction liquor  
23 license will be issued to a person and it will permit the  
24 auction liquor licensee to hold the auction anywhere in the  
25 State. An auction liquor license must be obtained for each  
26 auction at least 14 days in advance of the auction date.

1           (q) A special use permit license shall allow an Illinois  
2 licensed retailer to transfer a portion of its alcoholic liquor  
3 inventory from its retail licensed premises to the premises  
4 specified in the license hereby created, and to sell or offer  
5 for sale at retail, only in the premises specified in the  
6 license hereby created, the transferred alcoholic liquor for  
7 use or consumption, but not for resale in any form. A special  
8 use permit license may be granted for the following time  
9 periods: one day or less; 2 or more days to a maximum of 15 days  
10 per location in any 12-month ~~12-month~~ period. An applicant for  
11 the special use permit license must also submit with the  
12 application proof satisfactory to the State Commission that the  
13 applicant will provide dram shop liability insurance to the  
14 maximum limits and have local authority approval.

15           (r) A winery shipper's license shall allow a person with a  
16 first-class or second-class wine manufacturer's license, a  
17 first-class or second-class wine-maker's license, or a limited  
18 wine manufacturer's license or who is licensed to make wine  
19 under the laws of another state to ship wine made by that  
20 licensee directly to a resident of this State who is 21 years  
21 of age or older for that resident's personal use and not for  
22 resale. Prior to receiving a winery shipper's license, an  
23 applicant for the license must provide the Commission with a  
24 true copy of its current license in any state in which it is  
25 licensed as a manufacturer of wine. An applicant for a winery  
26 shipper's license must also complete an application form that

1 provides any other information the Commission deems necessary.  
2 The application form shall include all addresses from which the  
3 applicant for a winery shipper's license intends to ship wine,  
4 including the name and address of any third party, except for a  
5 common carrier, authorized to ship wine on behalf of the  
6 manufacturer. The application form shall include an  
7 acknowledgement consenting to the jurisdiction of the  
8 Commission, ~~the Illinois Department of Revenue,~~ and the courts  
9 of this State concerning the enforcement of this Act and any  
10 related laws, rules, and regulations, including authorizing  
11 ~~the Department of Revenue and~~ the Commission to conduct audits  
12 for the purpose of ensuring compliance with Public Act 95-634,  
13 and an acknowledgement that the wine manufacturer is in  
14 compliance with Section 6-2 of this Act. Any third party,  
15 except for a common carrier, authorized to ship wine on behalf  
16 of a first-class or second-class wine manufacturer  
17 ~~manufacturer's~~ licensee, a first-class or second-class  
18 wine-maker's licensee, a limited wine manufacturer ~~wine~~  
19 ~~manufacturer's~~ licensee, or a person who is licensed to make  
20 wine under the laws of another state shall also be disclosed by  
21 the winery shipper's licensee, and a copy of the true and fully  
22 executed written appointment of the third-party wine provider,  
23 except for a common carrier, to the wine manufacturer shall be  
24 filed with the State Commission as a supplement to the winery  
25 shipper's license application or any renewal thereof. Such  
26 written appointments, which are a supplement to the winery

1 shipper's license application or any renewal thereof, must  
2 include provisions in which the third-party provider expressly  
3 agrees that, before February 1 of each calendar year and within  
4 enough time for the licensee to review the information and file  
5 with the State Commission, the third-party provider shall  
6 provide the applicant with a signed written statement that  
7 includes:

8 (1) an acknowledgement stating that the third-party  
9 provider consents to the jurisdiction of the State  
10 Commission and the courts of Illinois concerning the  
11 enforcement of this Act and any related laws, rules, and  
12 regulations;

13 (2) an acknowledgement stating that the applicant is  
14 authorized to file the signed written statement with the  
15 State Commission;

16 (3) details for each shipment of the applicant's wine  
17 to an Illinois resident by the third-party provider; the  
18 details must include, but are not limited to, the  
19 following;

20 (A) the name and address of the third-party  
21 provider filing the statement;

22 (B) the time period covered by the statement;

23 (C) the name, address, and license number of the  
24 winery shipper on whose behalf the shipment was made;

25 (D) the quantity, point of origin, and retail value  
26 of the products delivered;

1           (E) the number of cases, the types and brands of  
2           wine delivered, and the size of the bottles;

3           (F) the date, time, and address of both the  
4           shipment and the delivery; and

5           (G) the name of the individual 21 years of age or  
6           more to whom the delivery was made, including a copy or  
7           electronic copy of that individual's signature and a  
8           chronological account of the third-party provider's  
9           dealings with that individual.

10       The winery shipper's license holder shall affirm under penalty  
11       of perjury, as part of the winery shipper's license application  
12       or renewal, that he or she only ships wine, either directly or  
13       indirectly through a third-party provider, from the licensee's  
14       own production.

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

26       ~~Any third party, except for a common carrier, holding such~~

1 ~~an 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.~~

4 The State Commission may, at any time, request from a  
5 third-party provider holding an appointment from a winery  
6 shipper's licensee the information specified in item (3) of  
7 this subsection (r).

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

25 Before an employee of a third-party provider transports any  
26 wine within or into this State, that employee shall post with

1 the State Commission a bond with approved surety payable to the  
2 State in the penalty of \$1,000 upon the condition that the  
3 person will not unlawfully transport or deliver any alcoholic  
4 liquors within or into this State. Evidence that the required  
5 bond has been posted shall accompany the wine at all times  
6 during transportation. The driver or person in charge of any  
7 vehicle covered by any bond posted with the State Commission  
8 under this subsection shall, when requested by any  
9 representative or agent of the State Commission or any person  
10 having police authority, exhibit to such person the bill of  
11 lading or other memorandum of shipment covering the cargo of  
12 the vehicle.

13 A third-party provider shall comply with all applicable  
14 provisions of subsection (a) of Section 6-16. Any vehicle used  
15 by a third-party provider to transport wine must be owned,  
16 leased, or under the control of the third-provider or an  
17 employee of the third-party provider. All wine being  
18 transported by a third-party provider shall remain unopened in  
19 accordance with the provisions of Section 11-502 of the  
20 Illinois Vehicle Code and there shall accompany such wine at  
21 all times during transportation a bill of lading or other  
22 memorandum of shipment signed by the winery shipper's licensee  
23 showing an exact description of the wine being transported, the  
24 name and address of the consignor, the name and address of the  
25 consignee, and the route to be traveled by the vehicle  
26 transporting the wine. The route must be the most direct route



1 from the consignor's place of business to the consignee. The  
2 third-party provider transporting the wine shall not vary from  
3 the route specified in the bill of lading or other memorandum  
4 of shipment, unless there are extenuating circumstances  
5 blocking the passage of the route, such as construction or  
6 manmade or natural obstructions on a road. Extenuating  
7 circumstances do not include momentary obstructions, such as a  
8 passing train or train momentarily delayed on the tracks,  
9 traffic jam, animal crossing, weather-caused delays, or other  
10 similar obstructions.

11 Payment for any wine shipped by a third-party provider  
12 shall be received no later than at the time of delivery, and,  
13 as a condition of delivery, a third-party provider shall obtain  
14 the signature, which may be obtained by using an electronic  
15 signature system, of a person 21 years of age or more who has  
16 demonstrated his or her age by providing a valid motor vehicle  
17 operator's license, Illinois identification card issued under  
18 the Illinois Identification Card Act, or other similar  
19 identification document issued by a federal or state  
20 government. In each shipment of wine, the third-party provider  
21 shall include written information concerning fetal alcohol  
22 syndrome and fetal alcohol effects resulting from a woman  
23 consuming alcohol during pregnancy. A third-party provider  
24 shall not deliver wine outside the hours of lawful service of  
25 alcoholic liquor in accordance with any applicable law or  
26 ordinance and shall not deliver wine to a person who is under

1 the age of 21 or is intoxicated or simulating intoxication.

2 The winery shipper's licensee must at all times retain  
3 control of and direct all business operations and all  
4 transactions with consumers and is responsible for any activity  
5 of the third-party provider. All orders of wine solicited by a  
6 winery shipper's licensee via a third-party provider must be  
7 transmitted to the winery shipper's licensee, and the winery  
8 shipper's licensee must be clearly identified and control the  
9 transaction. Winery shipper's licensees are responsible for  
10 the fulfillment of all orders and shipments of wine from the  
11 winery shipper's licensed premises. With respect to the  
12 collection of funds from a transaction, the winery shipper's  
13 licensee must control the ultimate distribution of the funds,  
14 and the third-party provider acting as the agent of the winery  
15 shipper's licensee must handle the full amount of the collected  
16 funds in a manner that ensures the winery shipper's licensee  
17 controls the ultimate distribution of funds. All funds  
18 collected from a consumer must be first received by the winery  
19 shipper's licensee conducting the sale. The winery shipper's  
20 licensee thereafter may pay the third-party provider for its  
21 services. The third-party provider may not independently  
22 collect the funds, retain its fee, and pass the remaining  
23 balance to the winery shipper's licensee. A winery shipper's  
24 licensee and third-party provider may use an escrow account or  
25 similar instrument whereby funds are disbursed only upon the  
26 instructions of the winery shipper's licensee. Fees earned by a

1 third-party provider for providing services to a winery  
2 shipper's license holder must be reasonable and may not result  
3 in any actual or de facto control over the winery shipper's  
4 license holder's business operations, in whole or in part, by  
5 the third-party provider.

6 The State Commission shall adopt rules as soon as  
7 practicable to implement the requirements of Public Act 99-904  
8 ~~this amendatory Act of the 99th General Assembly~~ and shall  
9 adopt rules prohibiting any such third-party appointment of a  
10 third-party provider, except for a common carrier, that has  
11 been deemed by the State Commission to have violated the  
12 provisions of this Act with regard to any winery shipper  
13 licensee.

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

1 the provisions of Article VII of this Act. If a licensee fails  
2 to properly register and remit tax under the Use Tax Act or the  
3 Retailers' Occupation Tax Act for all wine that is sold by the  
4 winery shipper and shipped to persons in this State, the winery  
5 shipper's license shall be revoked in accordance with the  
6 provisions of Article VII of this Act.

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

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

16 As used in this subsection, "third-party provider" means an  
17 entity, except for a common carrier, that contracts with a  
18 winery shipper's licensee, either through a retention or  
19 service plan or on a per-delivery basis, to deliver wine to a  
20 consumer who has made a purchase of wine through the winery  
21 shipper's licensee, but does not include (i) an entity that is  
22 owned by the winery shipper's licensee or is a subsidiary of  
23 the winery shipper's licensee or (ii) a common carrier that  
24 owns a winery shipper's licensee or has a winery shipper's  
25 licensee as a subsidiary.

26 (s) A craft distiller tasting permit license shall allow an

1 Illinois licensed craft distiller to transfer a portion of its  
2 alcoholic liquor inventory from its craft distiller licensed  
3 premises to the premises specified in the license hereby  
4 created and to conduct a sampling, only in the premises  
5 specified in the license hereby created, of the transferred  
6 alcoholic liquor in accordance with subsection (c) of Section  
7 6-31 of this Act. The transferred alcoholic liquor may not be  
8 sold or resold in any form. An applicant for the craft  
9 distiller tasting permit license must also submit with the  
10 application proof satisfactory to the State Commission that the  
11 applicant will provide dram shop liability insurance to the  
12 maximum limits and have local authority approval.

13 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;  
14 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; 99-642, eff.  
15 7-28-16; 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904,  
16 eff. 1-1-17; revised 9-15-16.)

17 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

18 Sec. 10-1. Violations; penalties. Whereas a substantial  
19 threat to the sound and careful control, regulation, and  
20 taxation of the manufacture, sale, and distribution of  
21 alcoholic liquors exists by virtue of individuals who  
22 manufacture, import, distribute, or sell alcoholic liquors  
23 within the State without having first obtained a valid license  
24 to do so, and whereas such threat is especially serious along  
25 the borders of this State, and whereas such threat requires

1 immediate correction by this Act, by active investigation and  
2 prosecution by law enforcement officials and prosecutors, and  
3 by prompt and strict enforcement through the courts of this  
4 State to punish violators and to deter such conduct in the  
5 future:

6 (a) Any person who manufactures, imports for distribution  
7 or use, transports from outside this State into this State, or  
8 distributes or sells 108 liters (28.53 gallons) or more of  
9 wine, 45 liters (11.88 gallons) or more of distilled spirits,  
10 or 118 liters (31.17 gallons) or more of beer at any place  
11 within the State without having first obtained a valid license  
12 to do so under the provisions of this Act shall be guilty of a  
13 Class 4 felony for each offense. However, any person who was  
14 duly licensed under this Act and whose license expired within  
15 30 days prior to a violation shall be guilty of a business  
16 offense and fined not more than \$1,000 for the first such  
17 offense and shall be guilty of a Class 4 felony for each  
18 subsequent offense.

19 Any person who manufactures, imports for distribution,  
20 transports from outside this State into this State for sale or  
21 resale in this State, or distributes or sells less than 108  
22 liters (28.53 gallons) of wine, less than 45 liters (11.88  
23 gallons) of distilled spirits, or less than 118 liters (31.17  
24 gallons) of beer at any place within the State without having  
25 first obtained a valid license to do so under the provisions of  
26 this Act shall be guilty of a business offense and fined not

1 more than \$1,000 for the first such offense and shall be guilty  
2 of a Class 4 felony for each subsequent offense. This  
3 subsection does not apply to a motor carrier or freight  
4 forwarder, as defined in Section 13102 of Title 49 of the  
5 United States Code, an air carrier, as defined in Section 40102  
6 of Title 49 of the United States Code, ~~or~~ a rail carrier, as  
7 defined in Section 10102 of Title 49 of the United States Code,  
8 or a third-party provider, as defined in subsection (r) of  
9 Section 5-1 of this Act.

10 Any person who both has been issued an initial cease and  
11 desist notice from the State Commission and for compensation  
12 ships alcoholic liquor into this State without a license  
13 authorized by Section 5-1 issued by the State Commission or in  
14 violation of that license is guilty of a Class 4 felony for  
15 each offense.

16 (b) (1) Any retailer, licensed in this State, who knowingly  
17 causes to furnish, give, sell, or otherwise being within the  
18 State, any alcoholic liquor destined to be used, distributed,  
19 consumed or sold in another state, unless such alcoholic liquor  
20 was received in this State by a duly licensed distributor, or  
21 importing distributors shall have his license suspended for 7  
22 days for the first offense and for the second offense, shall  
23 have his license revoked by the Commission.

24 (2) In the event the Commission receives a certified copy  
25 of a final order from a foreign jurisdiction that an Illinois  
26 retail licensee has been found to have violated that foreign

1 jurisdiction's laws, rules, or regulations concerning the  
2 importation of alcoholic liquor into that foreign  
3 jurisdiction, the violation may be grounds for the Commission  
4 to revoke, suspend, or refuse to issue or renew a license, to  
5 impose a fine, or to take any additional action provided by  
6 this Act with respect to the Illinois retail license or  
7 licensee. Any such action on the part of the Commission shall  
8 be in accordance with this Act and implementing rules.

9 For the purposes of paragraph (2): (i) "foreign  
10 jurisdiction" means a state, territory, or possession of the  
11 United States, the District of Columbia, or the Commonwealth of  
12 Puerto Rico, and (ii) "final order" means an order or judgment  
13 of a court or administrative body that determines the rights of  
14 the parties respecting the subject matter of the proceeding,  
15 that remains in full force and effect, and from which no appeal  
16 can be taken.

17 (c) Any person who shall make any false statement or  
18 otherwise violates any of the provisions of this Act in  
19 obtaining any license hereunder, or who having obtained a  
20 license hereunder shall violate any of the provisions of this  
21 Act with respect to the manufacture, possession, distribution  
22 or sale of alcoholic liquor, or with respect to the maintenance  
23 of the licensed premises, or shall violate any other provision  
24 of this Act, shall for a first offense be guilty of a petty  
25 offense and fined not more than \$500, and for a second or  
26 subsequent offense shall be guilty of a Class B misdemeanor.



1           (c-5) Any owner of an establishment that serves alcohol on  
2 its premises, if more than 50% of the establishment's gross  
3 receipts within the prior 3 months is from the sale of alcohol,  
4 who knowingly fails to prohibit concealed firearms on its  
5 premises or who knowingly makes a false statement or record to  
6 avoid the prohibition of concealed firearms on its premises  
7 under the Firearm Concealed Carry Act shall be guilty of a  
8 business offense with a fine up to \$5,000.

9           (d) Each day any person engages in business as a  
10 manufacturer, foreign importer, importing distributor,  
11 distributor or retailer in violation of the provisions of this  
12 Act shall constitute a separate offense.

13           (e) Any person, under the age of 21 years who, for the  
14 purpose of buying, accepting or receiving alcoholic liquor from  
15 a licensee, represents that he is 21 years of age or over shall  
16 be guilty of a Class A misdemeanor.

17           (f) In addition to the penalties herein provided, any  
18 person licensed as a wine-maker in either class who  
19 manufactures more wine than authorized by his license shall be  
20 guilty of a business offense and shall be fined \$1 for each  
21 gallon so manufactured.

22           (g) A person shall be exempt from prosecution for a  
23 violation of this Act if he is a peace officer in the  
24 enforcement of the criminal laws and such activity is approved  
25 in writing by one of the following:

26           (1) In all counties, the respective State's Attorney;

1           (2) The Director of State Police under Section 2605-10,  
2           2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,  
3           2605-120,    2605-130,    2605-140,    2605-190,    2605-200,  
4           2605-205,    2605-210,    2605-215,    2605-250,    2605-275,  
5           2605-300,    2605-305,    2605-315,    2605-325,    2605-335,  
6           2605-340,    2605-350,    2605-355,    2605-360,    2605-365,  
7           2605-375,    2605-390,    2605-400,    2605-405,    2605-420,  
8           2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the  
9           Department of State Police Law (20 ILCS 2605/2605-10,  
10          2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,  
11          2605/2605-110,           2605/2605-115,           2605/2605-120,  
12          2605/2605-130,           2605/2605-140,           2605/2605-190,  
13          2605/2605-200,           2605/2605-205,           2605/2605-210,  
14          2605/2605-215,           2605/2605-250,           2605/2605-275,  
15          2605/2605-300,           2605/2605-305,           2605/2605-315,  
16          2605/2605-325,           2605/2605-335,           2605/2605-340,  
17          2605/2605-350,           2605/2605-355,           2605/2605-360,  
18          2605/2605-365,           2605/2605-375,           2605/2605-390,  
19          2605/2605-400,           2605/2605-405,           2605/2605-420,  
20          2605/2605-430,           2605/2605-435,           2605/2605-500,  
21          2605/2605-525, or 2605/2605-550); or

22           (3) In cities over 1,000,000, the Superintendent of  
23           Police.

24           (Source: P.A. 98-63, eff. 7-9-13; 99-904, eff. 1-1-17.)

25           Section 99. Effective date. This Act takes effect upon

1 becoming law.".