



Rep. Lou Lang

**Filed: 5/16/2018**

10000SB3022ham001

LRB100 18964 RPS 40079 a

1 AMENDMENT TO SENATE BILL 3022

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3022 on page 2,  
3 line 9, by replacing "3-2, 3-12," with "3-1, 3-2, 3-5, 3-6,  
4 3-7, 3-10, 3-12, 5-1,"; and

5 on page 2, immediately below line 10, by inserting the  
6 following:

7 "(235 ILCS 5/3-1) (from Ch. 43, par. 97)

8 Sec. 3-1. There is hereby created an Illinois Liquor  
9 Control Commission consisting of 7 members to be appointed by  
10 the Governor with the advice and consent of the Senate, no more  
11 than 4 of whom shall be members of the same political party.  
12 The Executive Director of the Illinois Liquor Control  
13 Commission shall be appointed by the Governor with the advice  
14 and consent of the Senate.

15 (Source: P.A. 91-798, eff. 7-9-00.); and

1 on page 4, immediately below line 5, by inserting the  
2 following:

3 "(235 ILCS 5/3-5) (from Ch. 43, par. 101)

4 Sec. 3-5. Each commissioner, the secretary, the Executive  
5 Director, and each person appointed by the commission shall,  
6 before entering upon the duties of his or her office, take and  
7 subscribe to the constitutional oath of office. The secretary,  
8 the Executive Director, and each inspector, clerk, and other  
9 employee shall devote his or her entire time to the duties of  
10 his or her office.

11 (Source: P.A. 82-783.)

12 (235 ILCS 5/3-6) (from Ch. 43, par. 102)

13 Sec. 3-6. No person shall be appointed a commissioner,  
14 secretary, Executive Director, or inspector for the commission  
15 who is not a citizen of the United States. No commissioner,  
16 secretary, Executive Director, inspector, or other employee  
17 shall be appointed who has been convicted of any violation of  
18 any Federal or State law concerning the manufacture or sale of  
19 alcoholic liquor prior or subsequent to the passage of this Act  
20 or who has paid a fine or penalty in settlement of any  
21 prosecution against him or her for any violation of such laws  
22 or shall have forfeited his or her bond to appear in court to  
23 answer charges for any such violation, nor shall any person be  
24 appointed who has been convicted of a felony. No commissioner,

1 Executive Director, inspector, or other employee, may,  
2 directly or indirectly, individually or as a member of a  
3 partnership, or as a shareholder of a corporation, have any  
4 interest whatsoever in the manufacture, sale or distribution of  
5 alcoholic liquor, nor receive any compensation or profit  
6 therefrom, nor have any interest whatsoever in the purchases or  
7 sales made by the persons authorized by this Act, or to  
8 purchase or to sell alcoholic liquor. No provision of this  
9 section shall prevent any such commissioner, secretary,  
10 Executive Director, inspector, or other employee from  
11 purchasing and keeping in his or her possession for the use of  
12 himself or herself or members of his or her family or guests  
13 any alcoholic liquor which may be purchased or kept by any  
14 person by virtue of this Act.

15 (Source: P.A. 83-1254.)

16 (235 ILCS 5/3-7) (from Ch. 43, par. 103)

17 Sec. 3-7. No commissioner, secretary, Executive Director,  
18 or person appointed or employed by the commission, shall  
19 solicit or accept any gift, gratuity, emolument or employment  
20 from any person subject to the provisions of this Act, or from  
21 any officer, agent or employee thereof, nor solicit, request  
22 from or recommend, directly or indirectly, to any such person  
23 or to any officer, agent or employee thereof, the appointment  
24 of any person to any place or position, and every such person,  
25 and every officer, agent or employee thereof, is hereby

1 forbidden to offer to any commissioner, secretary, Executive  
2 Director, or to any person appointed or employed by the  
3 commission, any gift, gratuity, emolument or employment. If any  
4 commissioner, secretary, Executive Director, or any person  
5 appointed or employed by the commission, shall violate any of  
6 the provisions of this Section, he or she shall be removed from  
7 the office or employment held by him or her. Every person  
8 violating the provisions of this Section shall be guilty of a  
9 Class A misdemeanor.

10 (Source: P.A. 82-783.)

11 (235 ILCS 5/3-10) (from Ch. 43, par. 106)

12 Sec. 3-10. The commissioners, the secretary, the Executive  
13 Director, and all clerks, inspectors, and other employees shall  
14 be reimbursed for all actual and necessary traveling and other  
15 expenses and disbursements incurred or made by them in the  
16 discharge of their official duties. The commission may also  
17 incur necessary expenses for office furniture and other  
18 incidental expenses.

19 (Source: P.A. 82-783.)"; and

20 on page 21, line 1, after "personnel" by inserting "and the  
21 Executive Director"; and

22 on page 21, line 2, after "personnel" by inserting "and the  
23 Executive Director"; and

1 on page 21, by replacing lines 5 and 6 with "status and rights  
2 of the employees and the State of Illinois and its agencies  
3 under the Personnel Code, the Illinois Public Labor Relations  
4 Act, and applicable collective"; and

5 on page 23, immediately below line 9, by inserting the  
6 following:

7 "(235 ILCS 5/5-1) (from Ch. 43, par. 115)  
8 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
9 Commission shall be of the following classes:

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

16 (b) Distributor's license,

17 (c) Importing Distributor's license,

18 (d) Retailer's license,

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

20 (f) Railroad license,

21 (g) Boat license,

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

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

24 A craft distiller licensee may hold more than one craft  
25 distiller's license. However, a craft distiller that holds more  
26 than one craft distiller license shall not manufacture, in the



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

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

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

23 Class 11. A class 2 brewer license, which may only be  
24 issued to a licensed brewer or licensed non-resident dealer,  
25 shall allow the manufacture of up to 3,720,000 gallons of beer  
26 per year provided that the class 2 brewer licensee does not

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

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

19 Registration of agents, representatives, or persons acting  
20 on behalf of a manufacturer is fulfilled by submitting a form  
21 to the Commission. The form shall be developed by the  
22 Commission and shall include the name and address of the  
23 applicant, the name and address of the manufacturer he or she  
24 represents, the territory or areas assigned to sell to or  
25 discuss pricing terms of alcoholic liquor, and any other  
26 questions deemed appropriate and necessary. All statements in

1 the forms required to be made by law or by rule shall be deemed  
2 material, and any person who knowingly misstates any material  
3 fact under oath in an application is guilty of a Class B  
4 misdemeanor. Fraud, misrepresentation, false statements,  
5 misleading statements, evasions, or suppression of material  
6 facts in the securing of a registration are grounds for  
7 suspension or revocation of the registration. The State  
8 Commission shall post a list of registered agents on the  
9 Commission's website.

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

15 (c) An importing distributor's license may be issued to and  
16 held by those only who are duly licensed distributors, upon the  
17 filing of an application by a duly licensed distributor, with  
18 the Commission and the Commission shall, without the payment of  
19 any fee, immediately issue such importing distributor's  
20 license to the applicant, which shall allow the importation of  
21 alcoholic liquor by the licensee into this State from any point  
22 in the United States outside this State, and the purchase of  
23 alcoholic liquor in barrels, casks or other bulk containers and  
24 the bottling of such alcoholic liquors before resale thereof,  
25 but all bottles or containers so filled shall be sealed,  
26 labeled, stamped and otherwise made to comply with all

1 provisions, rules and regulations governing manufacturers in  
2 the preparation and bottling of alcoholic liquors. The  
3 importing distributor's license shall permit such licensee to  
4 purchase alcoholic liquor from Illinois licensed non-resident  
5 dealers and foreign importers only. No person licensed as an  
6 importing distributor shall be granted a non-resident dealer's  
7 license.

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

24 Notwithstanding any other provision of this subsection  
25 (d), a retail licensee may sell alcoholic liquors to a special  
26 event retailer licensee for resale to the extent permitted

1 under subsection (e).

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

1 Commission that the applicant will provide dram shop liability  
2 insurance in the maximum limits; and (iii) show proof  
3 satisfactory to the State Commission that the applicant has  
4 obtained local authority approval.

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

26 (g) A boat license shall allow the sale of alcoholic liquor

1 in individual drinks, on any passenger boat regularly operated  
 2 as a common carrier on navigable waters in this State or on any  
 3 riverboat operated under the Riverboat Gambling Act, which boat  
 4 or riverboat maintains a public dining room or restaurant  
 5 thereon.

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

- 16 Class 1, not to exceed ..... 500 gallons
- 17 Class 2, not to exceed ..... 1,000 gallons
- 18 Class 3, not to exceed ..... 5,000 gallons
- 19 Class 4, not to exceed ..... 10,000 gallons
- 20 Class 5, not to exceed ..... 50,000 gallons

21 (i) A wine-maker's premises license shall allow a licensee  
 22 that concurrently holds a first-class wine-maker's license to  
 23 sell and offer for sale at retail in the premises specified in  
 24 such license not more than 50,000 gallons of the first-class  
 25 wine-maker's wine that is made at the first-class wine-maker's  
 26 licensed premises per year for use or consumption, but not for

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

23 (j) An airplane license shall permit the licensee to import  
24 alcoholic liquors into this State from any point in the United  
25 States outside this State and to store such alcoholic liquors  
26 in this State; to make wholesale purchases of alcoholic liquors



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

17 (k) A foreign importer's license shall permit such licensee  
18 to purchase alcoholic liquor from Illinois licensed  
19 non-resident dealers only, and to import alcoholic liquor other  
20 than in bulk from any point outside the United States and to  
21 sell such alcoholic liquor to Illinois licensed importing  
22 distributors and to no one else in Illinois; provided that (i)  
23 the foreign importer registers with the State Commission every  
24 brand of alcoholic liquor that it proposes to sell to Illinois  
25 licensees during the license period, (ii) the foreign importer  
26 complies with all of the provisions of Section 6-9 of this Act

1 with respect to registration of such Illinois licensees as may  
2 be granted the right to sell such brands at wholesale, and  
3 (iii) the foreign importer complies with the provisions of  
4 Sections 6-5 and 6-6 of this Act to the same extent that these  
5 provisions apply to manufacturers.

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

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

21 The broker shall, upon the acceptance by a retailer of the  
22 broker's solicitation of an order or offer to sell or supply or  
23 deliver or have delivered alcoholic liquors, promptly forward  
24 to the Illinois Liquor Control Commission a notification of  
25 said transaction in such form as the Commission may by  
26 regulations prescribe.

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

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

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

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

23           (m) A non-resident dealer's license shall permit such  
24 licensee to ship into and warehouse alcoholic liquor into this  
25 State from any point outside of this State, and to sell such  
26 alcoholic liquor to Illinois licensed foreign importers and

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

16 (n) A brew pub license shall allow the licensee to only (i)  
17 manufacture up to 155,000 gallons of beer per year only on the  
18 premises specified in the license, (ii) make sales of the beer  
19 manufactured on the premises or, with the approval of the  
20 Commission, beer manufactured on another brew pub licensed  
21 premises that is wholly owned and operated by the same licensee  
22 to importing distributors, distributors, and to non-licensees  
23 for use and consumption, (iii) store the beer upon the  
24 premises, (iv) sell and offer for sale at retail from the  
25 licensed premises for off-premises consumption no more than  
26 155,000 gallons per year so long as such sales are only made

1 in-person, (v) sell and offer for sale at retail for use and  
2 consumption on the premises specified in the license any form  
3 of alcoholic liquor purchased from a licensed distributor or  
4 importing distributor, and (vi) with the prior approval of the  
5 Commission, annually transfer no more than 155,000 gallons of  
6 beer manufactured on the premises to a licensed brew pub wholly  
7 owned and operated by the same licensee.

8 A brew pub licensee shall not under any circumstance sell  
9 or offer for sale beer manufactured by the brew pub licensee to  
10 retail licensees.

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

22 Notwithstanding any other provision of this Act, a licensed  
23 brewer, class 2 brewer, or non-resident dealer who before July  
24 1, 2015 manufactured less than 3,720,000 gallons of beer per  
25 year and held a brew pub license on or before July 1, 2015 may  
26 (i) continue to qualify for and hold that brew pub license for

1 the licensed premises and (ii) manufacture more than 3,720,000  
2 gallons of beer per year and continue to qualify for and hold  
3 that brew pub license if that brewer, class 2 brewer, or  
4 non-resident dealer does not simultaneously hold a class 1  
5 brewer license and is not a member of or affiliated with,  
6 directly or indirectly, a manufacturer that produces more than  
7 3,720,000 gallons of beer per year or that produces any other  
8 alcoholic liquor.

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

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

22 (q) A special use permit license shall allow an Illinois  
23 licensed retailer to transfer a portion of its alcoholic liquor  
24 inventory from its retail licensed premises to the premises  
25 specified in the license hereby created, and to sell or offer  
26 for sale at retail, only in the premises specified in the

1 license hereby created, the transferred alcoholic liquor for  
2 use or consumption, but not for resale in any form. A special  
3 use permit license may be granted for the following time  
4 periods: one day or less; 2 or more days to a maximum of 15 days  
5 per location in any 12-month period. An applicant for the  
6 special use permit license must also submit with the  
7 application proof satisfactory to the State Commission that the  
8 applicant will provide dram shop liability insurance to the  
9 maximum limits and have local authority approval.

10 (r) A winery shipper's license shall allow a person with a  
11 first-class or second-class wine manufacturer's license, a  
12 first-class or second-class wine-maker's license, or a limited  
13 wine manufacturer's license or who is licensed to make wine  
14 under the laws of another state to ship wine made by that  
15 licensee directly to a resident of this State who is 21 years  
16 of age or older for that resident's personal use and not for  
17 resale. Prior to receiving a winery shipper's license, an  
18 applicant for the license must provide the Commission with a  
19 true copy of its current license in any state in which it is  
20 licensed as a manufacturer of wine. An applicant for a winery  
21 shipper's license must also complete an application form that  
22 provides any other information the Commission deems necessary.  
23 The application form shall include all addresses from which the  
24 applicant for a winery shipper's license intends to ship wine,  
25 including the name and address of any third party, except for a  
26 common carrier, authorized to ship wine on behalf of the

1 manufacturer. The application form shall include an  
2 acknowledgement consenting to the jurisdiction of the  
3 Commission, the Illinois Department of Revenue, and the courts  
4 of this State concerning the enforcement of this Act and any  
5 related laws, rules, and regulations, including authorizing  
6 the Department of Revenue and the Commission to conduct audits  
7 for the purpose of ensuring compliance with Public Act 95-634,  
8 and an acknowledgement that the wine manufacturer is in  
9 compliance with Section 6-2 of this Act. Any third party,  
10 except for a common carrier, authorized to ship wine on behalf  
11 of a first-class or second-class wine manufacturer's licensee,  
12 a first-class or second-class wine-maker's licensee, a limited  
13 wine manufacturer's licensee, or a person who is licensed to  
14 make wine under the laws of another state shall also be  
15 disclosed by the winery shipper's licensee, and a copy of the  
16 written appointment of the third-party wine provider, except  
17 for a common carrier, to the wine manufacturer shall be filed  
18 with the State Commission as a supplement to the winery  
19 shipper's license application or any renewal thereof. The  
20 winery shipper's license holder shall affirm under penalty of  
21 perjury, as part of the winery shipper's license application or  
22 renewal, that he or she only ships wine, either directly or  
23 indirectly through a third-party provider, from the licensee's  
24 own production.

25 Except for a common carrier, a third-party provider  
26 shipping wine on behalf of a winery shipper's license holder is



1 the agent of the winery shipper's license holder and, as such,  
2 a winery shipper's license holder is responsible for the acts  
3 and omissions of the third-party provider acting on behalf of  
4 the license holder. A third-party provider, except for a common  
5 carrier, that engages in shipping wine into Illinois on behalf  
6 of a winery shipper's license holder shall consent to the  
7 jurisdiction of the State Commission and the State. Any  
8 third-party, except for a common carrier, holding such an  
9 appointment shall, by February 1 of each calendar year and upon  
10 request by the State Commission or the Department of Revenue,  
11 file with the State Commission a statement detailing each  
12 shipment made to an Illinois resident. The statement shall  
13 include the name and address of the third-party provider filing  
14 the statement, the time period covered by the statement, and  
15 the following information:

16 (1) the name, address, and license number of the winery  
17 shipper on whose behalf the shipment was made;

18 (2) the quantity of the products delivered; and

19 (3) the date and address of the shipment.

20 If the Department of Revenue or the State Commission requests a  
21 statement under this paragraph, the third-party provider must  
22 provide that statement no later than 30 days after the request  
23 is made. Any books, records, supporting papers, and documents  
24 containing information and data relating to a statement under  
25 this paragraph shall be kept and preserved for a period of 3  
26 years, unless their destruction sooner is authorized, in

1 writing, by the Director of Revenue, and shall be open and  
2 available to inspection by the Director of Revenue or the State  
3 Commission or any duly authorized officer, agent, or employee  
4 of the State Commission or the Department of Revenue, at all  
5 times during business hours of the day. Any person who violates  
6 any provision of this paragraph or any rule of the State  
7 Commission for the administration and enforcement of the  
8 provisions of this paragraph is guilty of a Class C  
9 misdemeanor. In case of a continuing violation, each day's  
10 continuance thereof shall be a separate and distinct offense.

11 The State Commission shall adopt rules as soon as  
12 practicable to implement the requirements of Public Act 99-904  
13 and shall adopt rules prohibiting any such third-party  
14 appointment of a third-party provider, except for a common  
15 carrier, that has been deemed by the State Commission to have  
16 violated the provisions of this Act with regard to any winery  
17 shipper licensee.

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

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

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

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

20 As used in this subsection, "third-party provider" means  
21 any entity that provides fulfillment house services, including  
22 warehousing, packaging, distribution, order processing, or  
23 shipment of wine, but not the sale of wine, on behalf of a  
24 licensed winery shipper.

25 (s) A craft distiller tasting permit license shall allow an  
26 Illinois licensed craft distiller to transfer a portion of its

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

12 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;  
13 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.  
14 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17.)".