



Rep. Michael J. Zalewski

Adopted in House on Oct 29, 2019

10100HB1271ham001

LRB101 03465 RPS 64147 a

1 AMENDMENT TO HOUSE BILL 1271

2 AMENDMENT NO. _____. Amend House Bill 1271 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 1-3.40, 5-1, 5-3, and 6-4 as follows:

6 (235 ILCS 5/1-3.40)

7 Sec. 1-3.40. Manufacturer class license holder.

8 "Manufacturer class license holder" means any holder of a
9 Manufacturer's license as provided in Section 5-1 of this Act.

10 The Manufacturer's licenses are: a Class 1. Distiller, a Class

11 2. Rectifier, a Class 3. Brewer, a Class 4. First Class Wine

12 Manufacturer, a Class 5. Second Class Wine Manufacturer, a

13 Class 6. First Class Winemaker, a Class 7. Second Class

14 Winemaker, a Class 8. Limited Wine Manufacturer, a Class 9.

15 Craft Distiller, a Class 10 ~~9~~. Class 1 Craft Distiller, a Class

16 11 ~~10~~. Class 2 Craft Distiller, a Class 12 ~~11~~. Class 1 Brewer,

1 and a Class 13 ~~12~~. Class 2 Brewer, and any future
2 Manufacturer's licenses established by law.

3 (Source: P.A. 101-482, eff. 8-23-19.)

4 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

17 (d) Retailer's license,

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

19 (f) Railroad license,

20 (g) Boat license,

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

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

23 (j) Airplane license,

24 (k) Foreign importer's license,

25 (l) Broker's license,

- 1 (m) Non-resident dealer's license,
- 2 (n) Brew Pub license,
- 3 (o) Auction liquor license,
- 4 (p) Caterer retailer license,
- 5 (q) Special use permit license,
- 6 (r) Winery shipper's license,
- 7 (s) Craft distiller tasting permit,
- 8 (t) Brewer warehouse permit,
- 9 (u) Distilling pub license,
- 10 (v) Craft distiller warehouse 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, which may only be held
11 by a class 1 craft distiller licensee or class 2 craft
12 distiller licensee but not held by both a class 1 craft
13 distiller licensee and a class 2 craft distiller licensee,
14 shall grant all rights conveyed by either: (i) a class 1 craft
15 distiller license if the craft distiller holds a class 1 craft
16 distiller license; or (ii) a class 2 craft distiller licensee
17 if the craft distiller holds a class 2 craft distiller license.

18 Class 10 ~~9~~. A class 1 craft distiller license, which may
19 only be issued to a licensed craft distiller ~~licensed distiller~~
20 or licensed non-resident dealer, shall allow the manufacture of
21 up to 50,000 gallons of spirits per year provided that the
22 class 1 craft distiller licensee does not manufacture more than
23 a combined 50,000 gallons of spirits per year and is not a
24 member of or affiliated with, directly or indirectly, a
25 manufacturer that produces more than 50,000 gallons of spirits
26 per year or any other alcoholic liquor. A class 1 craft

1 distiller licensee may make sales and deliveries to importing
2 distributors and distributors and to retail licensees in
3 accordance with the conditions set forth in paragraph (19) of
4 subsection (a) of Section 3-12 of this Act. However, the
5 aggregate amount of spirits sold to non-licensees and sold or
6 delivered to retail licensees may not exceed 5,000 gallons per
7 year.

8 A class 1 craft distiller licensee may sell up to 5,000
9 gallons of such spirits to non-licensees to the extent
10 permitted by any exemption approved by the State Commission
11 pursuant to Section 6-4 of this Act. A class 1 craft distiller
12 license holder may store such spirits at a non-contiguous
13 licensed location, but at no time shall a class 1 craft
14 distiller license holder directly or indirectly produce in the
15 aggregate more than 50,000 gallons of spirits per year.

16 A class 1 craft distiller licensee may hold more than one
17 class 1 craft distiller's license. However, a class 1 craft
18 distiller that holds more than one class 1 craft distiller
19 license shall not manufacture, in the aggregate, more than
20 50,000 gallons of spirits by distillation per year and shall
21 not sell, in the aggregate, more than 5,000 gallons of such
22 spirits to non-licensees in accordance with an exemption
23 approved by the State Commission pursuant to Section 6-4 of
24 this Act.

25 Class 11 ~~10~~. A class 2 craft distiller license, which may
26 only be issued to a licensed craft distiller ~~licensed distiller~~

1 or licensed non-resident dealer, shall allow the manufacture of
2 up to 100,000 gallons of spirits per year provided that the
3 class 2 craft distiller licensee does not manufacture more than
4 a combined 100,000 gallons of spirits per year and is not a
5 member of or affiliated with, directly or indirectly, a
6 manufacturer that produces more than 100,000 gallons of spirits
7 per year or any other alcoholic liquor. A class 2 craft
8 distiller licensee may make sales and deliveries to importing
9 distributors and distributors, but shall not make sales or
10 deliveries to any other licensee. If the State Commission
11 provides prior approval, a class 2 craft distiller licensee may
12 annually transfer up to 100,000 gallons of spirits manufactured
13 by that class 2 craft distiller licensee to the premises of a
14 licensed class 2 craft distiller wholly owned and operated by
15 the same licensee. A class 2 craft distiller may transfer
16 spirits to a distilling pub wholly owned and operated by the
17 class 2 craft distiller subject to the following limitations
18 and restrictions: (i) the transfer shall not annually exceed
19 more than 5,000 gallons; (ii) the annual amount transferred
20 shall reduce the distilling pub's annual permitted production
21 limit; (iii) all spirits transferred shall be subject to
22 Article VIII of this Act; (iv) a written record shall be
23 maintained by the distiller and distilling pub specifying the
24 amount, date of delivery, and receipt of the product by the
25 distilling pub; and (v) the distilling pub shall be located no
26 farther than 80 miles from the class 2 craft distiller's

1 licensed location.

2 A class 2 craft distiller shall, prior to transferring
3 spirits to a distilling pub wholly owned by the class 2 craft
4 distiller, furnish a written notice to the State Commission of
5 intent to transfer spirits setting forth the name and address
6 of the distilling pub and shall annually submit to the State
7 Commission a verified report identifying the total gallons of
8 spirits transferred to the distilling pub wholly owned by the
9 class 2 craft distiller.

10 A class 2 craft distiller license holder may store such
11 spirits at a non-contiguous licensed location, but at no time
12 shall a class 2 craft distiller license holder directly or
13 indirectly produce in the aggregate more than 100,000 gallons
14 of spirits per year.

15 Class 12 ~~11~~. A class 1 brewer license, which may only be
16 issued to a licensed brewer or licensed non-resident dealer,
17 shall allow the manufacture of up to 930,000 gallons of beer
18 per year provided that the class 1 brewer licensee does not
19 manufacture more than a combined 930,000 gallons of beer per
20 year and is not a member of or affiliated with, directly or
21 indirectly, a manufacturer that produces more than 930,000
22 gallons of beer per year or any other alcoholic liquor. A class
23 1 brewer licensee may make sales and deliveries to importing
24 distributors and distributors and to retail licensees in
25 accordance with the conditions set forth in paragraph (18) of
26 subsection (a) of Section 3-12 of this Act. If the State

1 Commission provides prior approval, a class 1 brewer may
2 annually transfer up to 930,000 gallons of beer manufactured by
3 that class 1 brewer to the premises of a licensed class 1
4 brewer wholly owned and operated by the same licensee.

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

20 A class 2 brewer may transfer beer to a brew pub wholly
21 owned and operated by the class 2 brewer subject to the
22 following limitations and restrictions: (i) the transfer shall
23 not annually exceed more than 31,000 gallons; (ii) the annual
24 amount transferred shall reduce the brew pub's annual permitted
25 production limit; (iii) all beer transferred shall be subject
26 to Article VIII of this Act; (iv) a written record shall be

1 maintained by the brewer and brew pub specifying the amount,
2 date of delivery, and receipt of the product by the brew pub;
3 and (v) the brew pub shall be located no farther than 80 miles
4 from the class 2 brewer's licensed location.

5 A class 2 brewer shall, prior to transferring beer to a
6 brew pub wholly owned by the class 2 brewer, furnish a written
7 notice to the State Commission of intent to transfer beer
8 setting forth the name and address of the brew pub and shall
9 annually submit to the State Commission a verified report
10 identifying the total gallons of beer transferred to the brew
11 pub wholly owned by the class 2 brewer.

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 (i) 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; (ii) the sale of beer,
14 cider, or both beer and cider to brewers, class 1 brewers, and
15 class 2 brewers that, pursuant to subsection (e) of Section 6-4
16 of this Act, sell beer, cider, or both beer and cider to
17 non-licensees at their breweries; and (iii) the sale of
18 vermouth to class 1 craft distillers and class 2 craft
19 distillers that, pursuant to subsection (e) of Section 6-4 of
20 this Act, sell spirits, vermouth, or both spirits and vermouth
21 to non-licensees at their distilleries. No person licensed as a
22 distributor shall be granted a non-resident dealer's license.

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

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

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

1 business conducted at a retail licensed premises, a retailer's
2 licensee may be designated by the State Commission as (i) an on
3 premise consumption retailer, (ii) an off premise sale
4 retailer, or (iii) a combined on premise consumption and off
5 premise sale retailer.

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

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

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

13 Nothing in this Act prohibits an Illinois licensed
14 distributor from offering credit or a refund for unused,
15 salable alcoholic liquors to a holder of a special event
16 retailer's license or the special event retailer's licensee
17 from accepting the credit or refund of alcoholic liquors at the
18 conclusion of the event specified in the license.

19 (f) A railroad license shall permit the licensee to import
20 alcoholic liquors into this State from any point in the United
21 States outside this State and to store such alcoholic liquors
22 in this State; to make wholesale purchases of alcoholic liquors
23 directly from manufacturers, foreign importers, distributors
24 and importing distributors from within or outside this State;
25 and to store such alcoholic liquors in this State; provided
26 that the above powers may be exercised only in connection with

1 the importation, purchase or storage of alcoholic liquors to be
2 sold or dispensed on a club, buffet, lounge or dining car
3 operated on an electric, gas or steam railway in this State;
4 and provided further, that railroad licensees exercising the
5 above powers shall be subject to all provisions of Article VIII
6 of this Act as applied to importing distributors. A railroad
7 license shall also permit the licensee to sell or dispense
8 alcoholic liquors on any club, buffet, lounge or dining car
9 operated on an electric, gas or steam railway regularly
10 operated by a common carrier in this State, but shall not
11 permit the sale for resale of any alcoholic liquors to any
12 licensee within this State. A license shall be obtained for
13 each car in which such sales are made.

14 (g) A boat license shall allow the sale of alcoholic liquor
15 in individual drinks, on any passenger boat regularly operated
16 as a common carrier on navigable waters in this State or on any
17 riverboat operated under the Illinois Gambling Act, which boat
18 or riverboat maintains a public dining room or restaurant
19 thereon.

20 (h) A non-beverage user's license shall allow the licensee
21 to purchase alcoholic liquor from a licensed manufacturer or
22 importing distributor, without the imposition of any tax upon
23 the business of such licensed manufacturer or importing
24 distributor as to such alcoholic liquor to be used by such
25 licensee solely for the non-beverage purposes set forth in
26 subsection (a) of Section 8-1 of this Act, and such licenses

1 shall be divided and classified and shall permit the purchase,
2 possession and use of limited and stated quantities of
3 alcoholic liquor as follows:

4 Class 1, not to exceed 500 gallons

5 Class 2, not to exceed 1,000 gallons

6 Class 3, not to exceed 5,000 gallons

7 Class 4, not to exceed 10,000 gallons

8 Class 5, not to exceed 50,000 gallons

9 (i) A wine-maker's premises license shall allow a licensee
10 that concurrently holds a first-class wine-maker's license to
11 sell and offer for sale at retail in the premises specified in
12 such license not more than 50,000 gallons of the first-class
13 wine-maker's wine that is made at the first-class wine-maker's
14 licensed premises per year for use or consumption, but not for
15 resale in any form. A wine-maker's premises license shall allow
16 a licensee who concurrently holds a second-class wine-maker's
17 license to sell and offer for sale at retail in the premises
18 specified in such license up to 100,000 gallons of the
19 second-class wine-maker's wine that is made at the second-class
20 wine-maker's licensed premises per year for use or consumption
21 but not for resale in any form. A wine-maker's premises license
22 shall allow a licensee that concurrently holds a first-class
23 wine-maker's license or a second-class wine-maker's license to
24 sell and offer for sale at retail at the premises specified in
25 the wine-maker's premises license, for use or consumption but
26 not for resale in any form, any beer, wine, and spirits

1 purchased from a licensed distributor. Upon approval from the
2 State Commission, a wine-maker's premises license shall allow
3 the licensee to sell and offer for sale at (i) the wine-maker's
4 licensed premises and (ii) at up to 2 additional locations for
5 use and consumption and not for resale. Each location shall
6 require additional licensing per location as specified in
7 Section 5-3 of this Act. A wine-maker's premises licensee shall
8 secure liquor liability insurance coverage in an amount at
9 least equal to the maximum liability amounts set forth in
10 subsection (a) of Section 6-21 of this Act.

11 (j) An airplane license shall permit the licensee to import
12 alcoholic liquors into this State from any point in the United
13 States outside this State and to store such alcoholic liquors
14 in this State; to make wholesale purchases of alcoholic liquors
15 directly from manufacturers, foreign importers, distributors
16 and importing distributors from within or outside this State;
17 and to store such alcoholic liquors in this State; provided
18 that the above powers may be exercised only in connection with
19 the importation, purchase or storage of alcoholic liquors to be
20 sold or dispensed on an airplane; and provided further, that
21 airplane licensees exercising the above powers shall be subject
22 to all provisions of Article VIII of this Act as applied to
23 importing distributors. An airplane licensee shall also permit
24 the sale or dispensing of alcoholic liquors on any passenger
25 airplane regularly operated by a common carrier in this State,
26 but shall not permit the sale for resale of any alcoholic

1 liquors to any licensee within this State. A single airplane
2 license shall be required of an airline company if liquor
3 service is provided on board aircraft in this State. The annual
4 fee for such license shall be as determined in Section 5-3.

5 (k) A foreign importer's license shall permit such licensee
6 to purchase alcoholic liquor from Illinois licensed
7 non-resident dealers only, and to import alcoholic liquor other
8 than in bulk from any point outside the United States and to
9 sell such alcoholic liquor to Illinois licensed importing
10 distributors and to no one else in Illinois; provided that (i)
11 the foreign importer registers with the State Commission every
12 brand of alcoholic liquor that it proposes to sell to Illinois
13 licensees during the license period, (ii) the foreign importer
14 complies with all of the provisions of Section 6-9 of this Act
15 with respect to registration of such Illinois licensees as may
16 be granted the right to sell such brands at wholesale, and
17 (iii) the foreign importer complies with the provisions of
18 Sections 6-5 and 6-6 of this Act to the same extent that these
19 provisions apply to manufacturers.

20 (l) (i) A broker's license shall be required of all persons
21 who solicit orders for, offer to sell or offer to supply
22 alcoholic liquor to retailers in the State of Illinois, or who
23 offer to retailers to ship or cause to be shipped or to make
24 contact with distillers, craft distillers, rectifiers, brewers
25 or manufacturers or any other party within or without the State
26 of Illinois in order that alcoholic liquors be shipped to a

1 distributor, importing distributor or foreign importer,
2 whether such solicitation or offer is consummated within or
3 without the State of Illinois.

4 No holder of a retailer's license issued by the Illinois
5 Liquor Control Commission shall purchase or receive any
6 alcoholic liquor, the order for which was solicited or offered
7 for sale to such retailer by a broker unless the broker is the
8 holder of a valid broker's license.

9 The broker shall, upon the acceptance by a retailer of the
10 broker's solicitation of an order or offer to sell or supply or
11 deliver or have delivered alcoholic liquors, promptly forward
12 to the Illinois Liquor Control Commission a notification of
13 said transaction in such form as the Commission may by
14 regulations prescribe.

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

24 A broker's license under this subsection (1) shall not
25 entitle the holder to buy or sell any alcoholic liquors for his
26 own account or to take or deliver title to such alcoholic

1 liquors.

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

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

11 (m) A non-resident dealer's license shall permit such
12 licensee to ship into and warehouse alcoholic liquor into this
13 State from any point outside of this State, and to sell such
14 alcoholic liquor to Illinois licensed foreign importers and
15 importing distributors and to no one else in this State;
16 provided that (i) said non-resident dealer shall register with
17 the Illinois Liquor Control Commission each and every brand of
18 alcoholic liquor which it proposes to sell to Illinois
19 licensees during the license period, (ii) it shall comply with
20 all of the provisions of Section 6-9 hereof with respect to
21 registration of such Illinois licensees as may be granted the
22 right to sell such brands at wholesale by duly filing such
23 registration statement, thereby authorizing the non-resident
24 dealer to proceed to sell such brands at wholesale, and (iii)
25 the non-resident dealer shall comply with the provisions of
26 Sections 6-5 and 6-6 of this Act to the same extent that these

1 provisions apply to manufacturers. No person licensed as a
2 non-resident dealer shall be granted a distributor's or
3 importing distributor's license.

4 (n) A brew pub license shall allow the licensee to only (i)
5 manufacture up to 155,000 gallons of beer per year only on the
6 premises specified in the license, (ii) make sales of the beer
7 manufactured on the premises or, with the approval of the
8 Commission, beer manufactured on another brew pub licensed
9 premises that is wholly owned and operated by the same licensee
10 to importing distributors, distributors, and to non-licensees
11 for use and consumption, (iii) store the beer upon the
12 premises, (iv) sell and offer for sale at retail from the
13 licensed premises for off-premises consumption no more than
14 155,000 gallons per year so long as such sales are only made
15 in-person, (v) sell and offer for sale at retail for use and
16 consumption on the premises specified in the license any form
17 of alcoholic liquor purchased from a licensed distributor or
18 importing distributor, (vi) with the prior approval of the
19 Commission, annually transfer no more than 155,000 gallons of
20 beer manufactured on the premises to a licensed brew pub wholly
21 owned and operated by the same licensee, and (vii)
22 notwithstanding item (i) of this subsection, brew pubs wholly
23 owned and operated by the same licensee may combine each
24 location's production limit of 155,000 gallons of beer per year
25 and allocate the aggregate total between the wholly owned,
26 operated, and licensed locations.

1 A brew pub licensee shall not under any circumstance sell
2 or offer for sale beer manufactured by the brew pub licensee to
3 retail licensees.

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

15 Notwithstanding any other provision of this Act, a licensed
16 brewer, class 2 brewer, or non-resident dealer who before July
17 1, 2015 manufactured less than 3,720,000 gallons of beer per
18 year and held a brew pub license on or before July 1, 2015 may
19 (i) continue to qualify for and hold that brew pub license for
20 the licensed premises and (ii) manufacture more than 3,720,000
21 gallons of beer per year and continue to qualify for and hold
22 that brew pub license if that brewer, class 2 brewer, or
23 non-resident dealer does not simultaneously hold a class 1
24 brewer license and is not a member of or affiliated with,
25 directly or indirectly, a manufacturer that produces more than
26 3,720,000 gallons of beer per year or that produces any other

1 alcoholic liquor.

2 (o) A caterer retailer license shall allow the holder to
3 serve alcoholic liquors as an incidental part of a food service
4 that serves prepared meals which excludes the serving of snacks
5 as the primary meal, either on or off-site whether licensed or
6 unlicensed. A caterer retailer license shall allow the holder,
7 a distributor, or an importing distributor to transfer any
8 inventory to and from the holder's retail premises and shall
9 allow the holder to purchase alcoholic liquor from a
10 distributor or importing distributor to be delivered directly
11 to an off-site event.

12 Nothing in this Act prohibits a distributor or importing
13 distributor from offering credit or a refund for unused,
14 salable beer to a holder of a caterer retailer license or a
15 caterer retailer licensee from accepting a credit or refund for
16 unused, salable beer, in the event an act of God is the sole
17 reason an off-site event is cancelled and if: (i) the holder of
18 a caterer retailer license has not transferred alcoholic liquor
19 from its caterer retailer premises to an off-site location;
20 (ii) the distributor or importing distributor offers the credit
21 or refund for the unused, salable beer that it delivered to the
22 off-site premises and not for any unused, salable beer that the
23 distributor or importing distributor delivered to the caterer
24 retailer's premises; and (iii) the unused, salable beer would
25 likely spoil if transferred to the caterer retailer's premises.
26 A caterer retailer license shall allow the holder to transfer

1 any inventory from any off-site location to its caterer
2 retailer premises at the conclusion of an off-site event or
3 engage a distributor or importing distributor to transfer any
4 inventory from any off-site location to its caterer retailer
5 premises at the conclusion of an off-site event, provided that
6 the distributor or importing distributor issues bona fide
7 charges to the caterer retailer licensee for fuel, labor, and
8 delivery and the distributor or importing distributor collects
9 payment from the caterer retailer licensee prior to the
10 distributor or importing distributor transferring inventory to
11 the caterer retailer premises.

12 For purposes of this subsection (o), an "act of God" means
13 an unforeseeable event, such as a rain or snow storm, hail, a
14 flood, or a similar event, that is the sole cause of the
15 cancellation of an off-site, outdoor event.

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

24 (q) A special use permit license shall allow an Illinois
25 licensed retailer to transfer a portion of its alcoholic liquor
26 inventory from its retail licensed premises to the premises

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

15 A special use permit license shall allow the holder to
16 transfer any inventory from the holder's special use premises
17 to its retail premises at the conclusion of the special use
18 event or engage a distributor or importing distributor to
19 transfer any inventory from the holder's special use premises
20 to its retail premises at the conclusion of an off-site event,
21 provided that the distributor or importing distributor issues
22 bona fide charges to the special use permit licensee for fuel,
23 labor, and delivery and the distributor or importing
24 distributor collects payment from the retail licensee prior to
25 the distributor or importing distributor transferring
26 inventory to the retail premises.

1 Nothing in this Act prohibits a distributor or importing
2 distributor from offering credit or a refund for unused,
3 salable beer to a special use permit licensee or a special use
4 permit licensee from accepting a credit or refund for unused,
5 salable beer at the conclusion of the event specified in the
6 license if: (i) the holder of the special use permit license
7 has not transferred alcoholic liquor from its retail licensed
8 premises to the premises specified in the special use permit
9 license; (ii) the distributor or importing distributor offers
10 the credit or refund for the unused, salable beer that it
11 delivered to the premises specified in the special use permit
12 license and not for any unused, salable beer that the
13 distributor or importing distributor delivered to the
14 retailer's premises; and (iii) the unused, salable beer would
15 likely spoil if transferred to the retailer premises.

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

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

1 perjury, as part of the winery shipper's license application or
2 renewal, that he or she only ships wine, either directly or
3 indirectly through a third-party provider, from the licensee's
4 own production.

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

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

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

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

26 If the Department of Revenue or the State Commission requests a

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

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

24 A winery shipper licensee must pay to the Department of
25 Revenue the State liquor gallonage tax under Section 8-1 for
26 all wine that is sold by the licensee and shipped to a person

1 in this State. For the purposes of Section 8-1, a winery
2 shipper licensee shall be taxed in the same manner as a
3 manufacturer of wine. A licensee who is not otherwise required
4 to register under the Retailers' Occupation Tax Act must
5 register under the Use Tax Act to collect and remit use tax to
6 the Department of Revenue for all gallons of wine that are sold
7 by the licensee and shipped to persons in this State. If a
8 licensee fails to remit the tax imposed under this Act in
9 accordance with the provisions of Article VIII of this Act, the
10 winery shipper's license shall be revoked in accordance with
11 the provisions of Article VII of this Act. If a licensee fails
12 to properly register and remit tax under the Use Tax Act or the
13 Retailers' Occupation Tax Act for all wine that is sold by the
14 winery shipper and shipped to persons in this State, the winery
15 shipper's license shall be revoked in accordance with the
16 provisions of Article VII of this Act.

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

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

26 As used in this subsection, "third-party provider" means

1 any entity that provides fulfillment house services, including
2 warehousing, packaging, distribution, order processing, or
3 shipment of wine, but not the sale of wine, on behalf of a
4 licensed winery shipper.

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

19 (t) A brewer warehouse permit may be issued to the holder
20 of a class 1 brewer license or a class 2 brewer license. If the
21 holder of the permit is a class 1 brewer licensee, the brewer
22 warehouse permit shall allow the holder to store or warehouse
23 up to 930,000 gallons of tax-determined beer manufactured by
24 the holder of the permit at the premises specified on the
25 permit. If the holder of the permit is a class 2 brewer
26 licensee, the brewer warehouse permit shall allow the holder to

1 store or warehouse up to 3,720,000 gallons of tax-determined
2 beer manufactured by the holder of the permit at the premises
3 specified on the permit. Sales to non-licensees are prohibited
4 at the premises specified in the brewer warehouse permit.

5 (u) A distilling pub license shall allow the licensee to
6 only (i) manufacture up to 5,000 gallons of spirits per year
7 only on the premises specified in the license, (ii) make sales
8 of the spirits manufactured on the premises or, with the
9 approval of the State Commission, spirits manufactured on
10 another distilling pub licensed premises that is wholly owned
11 and operated by the same licensee to importing distributors and
12 distributors and to non-licensees for use and consumption,
13 (iii) store the spirits upon the premises, (iv) sell and offer
14 for sale at retail from the licensed premises for off-premises
15 consumption no more than 5,000 gallons per year so long as such
16 sales are only made in-person, (v) sell and offer for sale at
17 retail for use and consumption on the premises specified in the
18 license any form of alcoholic liquor purchased from a licensed
19 distributor or importing distributor, and (vi) with the prior
20 approval of the State Commission, annually transfer no more
21 than 5,000 gallons of spirits manufactured on the premises to a
22 licensed distilling pub wholly owned and operated by the same
23 licensee.

24 A distilling pub licensee shall not under any circumstance
25 sell or offer for sale spirits manufactured by the distilling
26 pub licensee to retail licensees.

1 A person who holds a class 2 craft distiller license may
2 simultaneously hold a distilling pub license if the class 2
3 craft distiller (i) does not, under any circumstance, sell or
4 offer for sale spirits manufactured by the class 2 craft
5 distiller to retail licensees; (ii) does not hold more than 3
6 distilling pub licenses in this State; (iii) does not
7 manufacture more than a combined 100,000 gallons of spirits per
8 year, including the spirits manufactured at the distilling pub;
9 and (iv) is not a member of or affiliated with, directly or
10 indirectly, a manufacturer that produces more than 100,000
11 gallons of spirits per year or any other alcoholic liquor.

12 (v) A craft distiller warehouse permit may be issued to the
13 holder of a class 1 craft distiller or class 2 craft distiller
14 license. The craft distiller warehouse permit shall allow the
15 holder to store or warehouse up to 500,000 gallons of spirits
16 manufactured by the holder of the permit at the premises
17 specified on the permit. Sales to non-licensees are prohibited
18 at the premises specified in the craft distiller warehouse
19 permit.

20 (Source: P.A. 100-17, eff. 6-30-17; 100-201, eff. 8-18-17;
21 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff.
22 8-23-18; 101-16, eff. 6-14-19; 101-31, eff. 6-28-19; 101-81,
23 eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff. 8-23-19;
24 revised 9-19-19.)

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

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

	Online	Initial
	renewal	license
		or
		non-online
		renewal

13 For a manufacturer's license:

14	Class 1. Distiller	\$4,000	\$5,000
15	Class 2. Rectifier	4,000	5,000
16	Class 3. Brewer	1,200	1,500
17	Class 4. First-class Wine		
18	Manufacturer	750	900
19	Class 5. Second-class		
20	Wine Manufacturer.....	1,500	1,750
21	Class 6. First-class wine-maker	750	900
22	Class 7. Second-class wine-maker ..	1,500	1,750
23	Class 8. Limited Wine		
24	Manufacturer	250	350
25	<u>Class 9. Craft Distiller</u>	<u>\$2,000</u>	<u>\$2,500</u>
26	Class <u>10</u> 9 . Class 1 Craft Distiller	50	75

1	Class <u>11</u> 10 . Class 2 Craft Distiller	75	100
2	Class <u>12</u> 11 . Class 1 Brewer	50	75
3	Class <u>13</u> 12 . Class 2 Brewer	75	100
4	For a Brew Pub License	1,200	1,500
5	For a Distilling Pub License	1,200	1,500
6	For a caterer retailer's license ..	350	500
7	For a foreign importer's license ..	25	25
8	For an importing distributor's		
9	license.....	25	25
10	For a distributor's license		
11	(11,250,000 gallons		
12	or over)	1,450	2,200
13	For a distributor's license		
14	(over 4,500,000 gallons, but		
15	under 11,250,000 gallons)	950	1,450
16	For a distributor's license		
17	(4,500,000 gallons or under) ..	300	450
18	For a non-resident dealer's license		
19	(500,000 gallons or over)	1,200	1,500
20	For a non-resident dealer's license		
21	(under 500,000 gallons)	250	350
22	For a wine-maker's premises		
23	license.....	250	500
24	For a winery shipper's license		
25	(under 250,000 gallons)	200	350
26	For a winery shipper's license		

1	(250,000 or over, but		
2	under 500,000 gallons)	750	1,000
3	For a winery shipper's license		
4	(500,000 gallons or over)	1,200	1,500
5	For a wine-maker's premises license,		
6	second location	500	1,000
7	For a wine-maker's premises license,		
8	third location	500	1,000
9	For a retailer's license	600	750
10	For a special event retailer's		
11	license, (not-for-profit)	25	25
12	For a special use permit license,		
13	one day only	100	150
14	2 days or more	150	250
15	For a railroad license	100	150
16	For a boat license	500	1,000
17	For an airplane license, times the		
18	licensee's maximum number of		
19	aircraft in flight, serving		
20	liquor over the State at any		
21	given time, which either		
22	originate, terminate, or make		
23	an intermediate stop in		
24	the State	100	150
25	For a non-beverage user's license:		
26	Class 1	24	24

1	Class 2	60	60
2	Class 3	120	120
3	Class 4	240	240
4	Class 5	600	600
5	For a broker's license	750	1,000
6	For an auction liquor license	100	150
7	For a homebrewer special		
8	event permit	25	25
9	For a craft distiller		
10	tasting permit	25	25
11	For a BASSET trainer license	300	350
12	For a tasting representative		
13	license.....	200	300
14	For a brewer warehouse permit	25	25
15	For a craft distiller		
16	warehouse permit	25	25

17 Fees collected under this Section shall be paid into the
18 Dram Shop Fund. On and after July 1, 2003 and until June 30,
19 2016, of the funds received for a retailer's license, in
20 addition to the first \$175, an additional \$75 shall be paid
21 into the Dram Shop Fund, and \$250 shall be paid into the
22 General Revenue Fund. On and after June 30, 2016, one-half of
23 the funds received for a retailer's license shall be paid into
24 the Dram Shop Fund and one-half of the funds received for a
25 retailer's license shall be paid into the General Revenue Fund.
26 Beginning June 30, 1990 and on June 30 of each subsequent year

1 through June 29, 2003, any balance over \$5,000,000 remaining in
2 the Dram Shop Fund shall be credited to State liquor licensees
3 and applied against their fees for State liquor licenses for
4 the following year. The amount credited to each licensee shall
5 be a proportion of the balance in the Dram Fund that is the
6 same as the proportion of the license fee paid by the licensee
7 under this Section for the period in which the balance was
8 accumulated to the aggregate fees paid by all licensees during
9 that period.

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

12 (a) Hospitals, sanitariums, or clinics when their use
13 of alcoholic liquor is exclusively medicinal, mechanical
14 or scientific.

15 (b) Universities, colleges of learning or schools when
16 their use of alcoholic liquor is exclusively medicinal,
17 mechanical or scientific.

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

20 (Source: P.A. 100-201, eff. 8-18-17; 100-816, eff. 8-13-18;
21 101-482, eff. 8-23-19.)

22 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

23 Sec. 6-4. (a) No person licensed by any licensing authority
24 as a distiller, or a wine manufacturer, or any subsidiary or
25 affiliate thereof, or any officer, associate, member, partner,

1 representative, employee, agent or shareholder owning more
2 than 5% of the outstanding shares of such person shall be
3 issued an importing distributor's or distributor's license,
4 nor shall any person licensed by any licensing authority as an
5 importing distributor, distributor or retailer, or any
6 subsidiary or affiliate thereof, or any officer or associate,
7 member, partner, representative, employee, agent or
8 shareholder owning more than 5% of the outstanding shares of
9 such person be issued a distiller's license, a craft
10 distiller's license, or a wine manufacturer's license; and no
11 person or persons licensed as a distiller, craft distiller,
12 class 1 craft distiller, or class 2 craft distiller by any
13 licensing authority shall have any interest, directly or
14 indirectly, with such distributor or importing distributor.

15 However, an importing distributor or distributor, which on
16 January 1, 1985 is owned by a brewer, or any subsidiary or
17 affiliate thereof or any officer, associate, member, partner,
18 representative, employee, agent or shareholder owning more
19 than 5% of the outstanding shares of the importing distributor
20 or distributor referred to in this paragraph, may own or
21 acquire an ownership interest of more than 5% of the
22 outstanding shares of a wine manufacturer and be issued a wine
23 manufacturer's license by any licensing authority.

24 (b) The foregoing provisions shall not apply to any person
25 licensed by any licensing authority as a distiller or wine
26 manufacturer, or to any subsidiary or affiliate of any

1 distiller or wine manufacturer who shall have been heretofore
2 licensed by the State Commission as either an importing
3 distributor or distributor during the annual licensing period
4 expiring June 30, 1947, and shall actually have made sales
5 regularly to retailers.

6 (c) Provided, however, that in such instances where a
7 distributor's or importing distributor's license has been
8 issued to any distiller or wine manufacturer or to any
9 subsidiary or affiliate of any distiller or wine manufacturer
10 who has, during the licensing period ending June 30, 1947, sold
11 or distributed as such licensed distributor or importing
12 distributor alcoholic liquors and wines to retailers, such
13 distiller or wine manufacturer or any subsidiary or affiliate
14 of any distiller or wine manufacturer holding such
15 distributor's or importing distributor's license may continue
16 to sell or distribute to retailers such alcoholic liquors and
17 wines which are manufactured, distilled, processed or marketed
18 by distillers and wine manufacturers whose products it sold or
19 distributed to retailers during the whole or any part of its
20 licensing periods; and such additional brands and additional
21 products may be added to the line of such distributor or
22 importing distributor, provided, that such brands and such
23 products were not sold or distributed by any distributor or
24 importing distributor licensed by the State Commission during
25 the licensing period ending June 30, 1947, but can not sell or
26 distribute to retailers any other alcoholic liquors or wines.

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

11 (e) Any person licensed as a brewer, class 1 brewer, or
12 class 2 brewer shall be permitted to sell on the licensed
13 premises to non-licensees for on or off-premises consumption
14 for the premises in which he or she actually conducts such
15 business: (i) beer manufactured by the brewer, class 1 brewer,
16 or class 2 brewer; (ii) beer manufactured by any other brewer,
17 class 1 brewer, or class 2 brewer; and (iii) cider. Such sales
18 shall be limited to on-premises, in-person sales only, for
19 lawful consumption on or off premises. Such authorization shall
20 be considered a privilege granted by the brewer license and,
21 other than a manufacturer of beer as stated above, no
22 manufacturer or distributor or importing distributor,
23 excluding airplane licensees exercising powers provided in
24 paragraph (i) of Section 5-1 of this Act, or any subsidiary or
25 affiliate thereof, or any officer, associate, member, partner,
26 representative, employee or agent, or shareholder shall be

1 issued a retailer's license, nor shall any person having a
2 retailer's license, excluding airplane licensees exercising
3 powers provided in paragraph (i) of Section 5-1 of this Act, or
4 any subsidiary or affiliate thereof, or any officer, associate,
5 member, partner, representative or agent, or shareholder be
6 issued a manufacturer's license or importing distributor's
7 license.

8 A manufacturer of beer that imports or transfers beer into
9 this State must comply with Sections 6-8 and 8-1 of this Act.

10 A person who holds a class 1 or class 2 brewer license and
11 is authorized by this Section to sell beer to non-licensees
12 shall not sell beer to non-licensees from more than 3 total
13 brewer or commonly owned brew pub licensed locations in this
14 State. The class 1 or class 2 brewer shall designate to the
15 State Commission the brewer or brew pub locations from which it
16 will sell beer to non-licensees.

17 A person licensed as a class 1 craft distiller or a class 2
18 craft distiller, including a person who holds more than one
19 class 1 craft distiller or class 2 craft distiller license, not
20 affiliated with any other person manufacturing spirits may be
21 authorized by the State Commission to sell (1) up to 5,000
22 gallons of spirits produced by the person to non-licensees for
23 on or off-premises consumption for the premises in which he or
24 she actually conducts business permitting only the retail sale
25 of spirits manufactured at such premises and (2) vermouth
26 purchased through a licensed distributor for on-premises

1 consumption. Such sales shall be limited to on-premises,
2 in-person sales only, for lawful consumption on or off
3 premises, and such authorization shall be considered a
4 privilege granted by the class 1 craft distiller or class 2
5 craft distiller license. A class 1 craft distiller or class 2
6 craft distiller licensed for retail sale shall secure liquor
7 liability insurance coverage in an amount at least equal to the
8 maximum liability amounts set forth in subsection (a) of
9 Section 6-21 of this Act.

10 A class 1 craft distiller or class 2 craft distiller
11 license holder shall not deliver any alcoholic liquor to any
12 non-licensee off the licensed premises. A class 1 craft
13 distiller or class 2 craft distiller shall affirm in its annual
14 license application that it does not produce more than 50,000
15 or 100,000 gallons of distilled spirits annually, whichever is
16 applicable, and that the craft distiller does not sell more
17 than 5,000 gallons of spirits to non-licensees for on or
18 off-premises consumption. In the application, which shall be
19 sworn under penalty of perjury, the class 1 craft distiller or
20 class 2 craft distiller shall state the volume of production
21 and sales for each year since the class 1 craft distiller's or
22 class 2 craft distiller's establishment.

23 A person who holds a class 1 craft distiller or class 2
24 craft distiller license and is authorized by this Section to
25 sell spirits to non-licensees shall not sell spirits to
26 non-licensees from more than 3 total distillery or commonly

1 owned distilling pub licensed locations in this State. The
2 class 1 craft distiller or class 2 craft distiller shall
3 designate to the State Commission the distillery or distilling
4 pub locations from which it will sell spirits to non-licensees.

5 (f) (Blank).

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

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

1 application with the appropriate local commission, which
2 application was subsequently approved by the appropriate local
3 commission prior to consideration by the State Commission of
4 that person's application for a retail license. It is further
5 provided that the State Commission may approve the person's
6 application for a retail license or renewals of such license if
7 such person continues to diligently adhere to all
8 representations made in writing to the State Commission on or
9 before February 18, 2015, or thereafter, or in the affidavit
10 filed by that person with the State Commission to support the
11 issuance of a retail license and to abide by all applicable
12 laws and duly adopted rules.

13 (Source: P.A. 100-201, eff. 8-18-17; 100-816, eff. 8-13-18;
14 100-885, eff. 8-14-18; 101-81, eff. 7-12-19; 101-482, eff.
15 8-23-19.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."