



Rep. Michael J. Zalewski

Filed: 4/8/2019

10100HB2675ham002

LRB101 07840 RPS 59453 a

1 AMENDMENT TO HOUSE BILL 2675

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2675 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, 3-12, 5-1, 5-3, 6-4, 6-31, and 11-1  
6 as follows:

7 (235 ILCS 5/1-3.40)

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

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

11 The Manufacturer's licenses are: a Class 1. Distiller, a Class  
12 2. Rectifier, a Class 3. Brewer, a Class 4. First Class Wine  
13 Manufacturer, a Class 5. Second Class Wine Manufacturer, a  
14 Class 6. First Class Winemaker, a Class 7. Second Class  
15 Winemaker, a Class 8. Limited Wine Manufacturer, a Class 9.  
16 Class 1 Craft Distiller, a Class 10. Class 2 Craft Distiller,

1 ~~and~~ a Class 11. Class 1 Brewer, and a Class 12. Class 2 Brewer,  
2 ~~10. Craft Brewer~~ and any future Manufacturer's licenses  
3 established by law.

4 (Source: P.A. 99-282, eff. 8-5-15; 99-642, eff. 7-28-16.)

5 (235 ILCS 5/3-12)

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

7 (a) The State Commission shall have the following powers,  
8 functions, and duties:

9 (1) To receive applications and to issue licenses to  
10 manufacturers, foreign importers, importing distributors,  
11 distributors, non-resident dealers, on premise consumption  
12 retailers, off premise sale retailers, special event  
13 retailer licensees, special use permit licenses, auction  
14 liquor licenses, brew pubs, caterer retailers,  
15 non-beverage users, railroads, including owners and  
16 lessees of sleeping, dining and cafe cars, airplanes,  
17 boats, brokers, and wine maker's premises licensees in  
18 accordance with the provisions of this Act, and to suspend  
19 or revoke such licenses upon the State Commission's  
20 determination, upon notice after hearing, that a licensee  
21 has violated any provision of this Act or any rule or  
22 regulation issued pursuant thereto and in effect for 30  
23 days prior to such violation. Except in the case of an  
24 action taken pursuant to a violation of Section 6-3, 6-5,  
25 or 6-9, any action by the State Commission to suspend or

1       revoke a licensee's license may be limited to the license  
2       for the specific premises where the violation occurred. An  
3       action for a violation of this Act shall be commenced by  
4       the State Commission within 2 years after the date the  
5       State Commission becomes aware of the violation.

6       In lieu of suspending or revoking a license, the  
7       commission may impose a fine, upon the State Commission's  
8       determination and notice after hearing, that a licensee has  
9       violated any provision of this Act or any rule or  
10      regulation issued pursuant thereto and in effect for 30  
11      days prior to such violation.

12      For the purpose of this paragraph (1), when determining  
13      multiple violations for the sale of alcohol to a person  
14      under the age of 21, a second or subsequent violation for  
15      the sale of alcohol to a person under the age of 21 shall  
16      only be considered if it was committed within 5 years after  
17      the date when a prior violation for the sale of alcohol to  
18      a person under the age of 21 was committed.

19      The fine imposed under this paragraph may not exceed  
20      \$500 for each violation. Each day that the activity, which  
21      gave rise to the original fine, continues is a separate  
22      violation. The maximum fine that may be levied against any  
23      licensee, for the period of the license, shall not exceed  
24      \$20,000. The maximum penalty that may be imposed on a  
25      licensee for selling a bottle of alcoholic liquor with a  
26      foreign object in it or serving from a bottle of alcoholic

1 liquor with a foreign object in it shall be the destruction  
2 of that bottle of alcoholic liquor for the first 10 bottles  
3 so sold or served from by the licensee. For the eleventh  
4 bottle of alcoholic liquor and for each third bottle  
5 thereafter sold or served from by the licensee with a  
6 foreign object in it, the maximum penalty that may be  
7 imposed on the licensee is the destruction of the bottle of  
8 alcoholic liquor and a fine of up to \$50.

9 Any notice issued by the State Commission to a licensee  
10 for a violation of this Act or any notice with respect to  
11 settlement or offer in compromise shall include the field  
12 report, photographs, and any other supporting  
13 documentation necessary to reasonably inform the licensee  
14 of the nature and extent of the violation or the conduct  
15 alleged to have occurred. The failure to include such  
16 required documentation shall result in the dismissal of the  
17 action.

18 (2) To adopt such rules and regulations consistent with  
19 the provisions of this Act which shall be necessary to  
20 carry on its functions and duties to the end that the  
21 health, safety and welfare of the People of the State of  
22 Illinois shall be protected and temperance in the  
23 consumption of alcoholic liquors shall be fostered and  
24 promoted and to distribute copies of such rules and  
25 regulations to all licensees affected thereby.

26 (3) To call upon other administrative departments of

1 the State, county and municipal governments, county and  
2 city police departments and upon prosecuting officers for  
3 such information and assistance as it deems necessary in  
4 the performance of its duties.

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

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

17 (5.1) Upon receipt of a complaint or upon having  
18 knowledge that any person is engaged in business as a  
19 manufacturer, importing distributor, distributor, or  
20 retailer without a license or valid license, to notify the  
21 local liquor authority, file a complaint with the State's  
22 Attorney's Office of the county where the incident  
23 occurred, or initiate an investigation with the  
24 appropriate law enforcement officials.

25 (5.2) To issue a cease and desist notice to persons  
26 shipping alcoholic liquor into this State from a point

1 outside of this State if the shipment is in violation of  
2 this Act.

3 (5.3) To receive complaints from licensees, local  
4 officials, law enforcement agencies, organizations, and  
5 persons stating that any licensee has been or is violating  
6 any provision of this Act or the rules and regulations  
7 issued pursuant to this Act. Such complaints shall be in  
8 writing, signed and sworn to by the person making the  
9 complaint, and shall state with specificity the facts in  
10 relation to the alleged violation. If the Commission has  
11 reasonable grounds to believe that the complaint  
12 substantially alleges a violation of this Act or rules and  
13 regulations adopted pursuant to this Act, it shall conduct  
14 an investigation. If, after conducting an investigation,  
15 the Commission is satisfied that the alleged violation did  
16 occur, it shall proceed with disciplinary action against  
17 the licensee as provided in this Act.

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

24 (7) The commission shall establish uniform systems of  
25 accounts to be kept by all retail licensees having more  
26 than 4 employees, and for this purpose the commission may

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

22           (8) In the conduct of any hearing authorized to be held  
23      by the commission, to appoint, at the commission's  
24      discretion, hearing officers to conduct hearings involving  
25      complex issues or issues that will require a protracted  
26      period of time to resolve, to examine, or cause to be

1 examined, under oath, any licensee, and to examine or cause  
2 to be examined the books and records of such licensee; to  
3 hear testimony and take proof material for its information  
4 in the discharge of its duties hereunder; to administer or  
5 cause to be administered oaths; for any such purpose to  
6 issue subpoena or subpoenas to require the attendance of  
7 witnesses and the production of books, which shall be  
8 effective in any part of this State, and to adopt rules to  
9 implement its powers under this paragraph (8).

10 Any circuit court may by order duly entered, require  
11 the attendance of witnesses and the production of relevant  
12 books subpoenaed by the State Commission and the court may  
13 compel obedience to its order by proceedings for contempt.

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

21 (10) To adopt such rules and regulations consistent  
22 with the provisions of this Act which shall be necessary  
23 for the control, sale or disposition of alcoholic liquor  
24 damaged as a result of an accident, wreck, flood, fire or  
25 other similar occurrence.

26 (11) To develop industry educational programs related



1 to responsible serving and selling, particularly in the  
2 areas of overserving consumers and illegal underage  
3 purchasing and consumption of alcoholic beverages.

4 (11.1) To license persons providing education and  
5 training to alcohol beverage sellers and servers for  
6 mandatory and non-mandatory training under the Beverage  
7 Alcohol Sellers and Servers Education and Training  
8 (BASSET) programs and to develop and administer a public  
9 awareness program in Illinois to reduce or eliminate the  
10 illegal purchase and consumption of alcoholic beverage  
11 products by persons under the age of 21. Application for a  
12 license shall be made on forms provided by the State  
13 Commission.

14 (12) To develop and maintain a repository of license  
15 and regulatory information.

16 (13) (Blank).

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

25 (A) The amount of State excise and sales tax  
26 revenues generated.

1 (B) The amount of licensing fees received.

2 (C) The number of cases of wine shipped from inside  
3 and outside of this State directly to residents of this  
4 State.

5 (D) The number of alcohol compliance operations  
6 conducted.

7 (E) The number of winery shipper's licenses  
8 issued.

9 (F) The number of each of the following: reported  
10 violations; cease and desist notices issued by the  
11 Commission; notices of violations issued by the  
12 Commission and to the Department of Revenue; and  
13 notices and complaints of violations to law  
14 enforcement officials, including, without limitation,  
15 the Illinois Attorney General and the U.S. Department  
16 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

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

25 (16) The Commission shall, in addition to notifying any  
26 appropriate law enforcement agency, submit notices of

1 complaints or violations of Sections 6-29 and 6-29.1 by  
2 persons who do not hold a winery shipper's license under  
3 this Act to the Illinois Attorney General and to the U.S.  
4 Department of Treasury's Alcohol and Tobacco Tax and Trade  
5 Bureau.

6 (17) (A) A person licensed to make wine under the laws  
7 of another state who has a winery shipper's license under  
8 this Act and annually produces less than 25,000 gallons of  
9 wine or a person who has a first-class or second-class wine  
10 manufacturer's license, a first-class or second-class  
11 wine-maker's license, or a limited wine manufacturer's  
12 license under this Act and annually produces less than  
13 25,000 gallons of wine may make application to the  
14 Commission for a self-distribution exemption to allow the  
15 sale of not more than 5,000 gallons of the exemption  
16 holder's wine to retail licensees per year.

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

26 (C) The Commission shall approve the application for a

1 self-distribution exemption if such person: (1) is in  
2 compliance with State revenue and liquor laws; (2) is not a  
3 member of any affiliated group that produces more than  
4 25,000 gallons of wine per annum or produces any other  
5 alcoholic liquor; (3) will not annually produce for sale  
6 more than 25,000 gallons of wine; and (4) will not annually  
7 sell more than 5,000 gallons of its wine to retail  
8 licensees.

9 (D) A self-distribution exemption holder shall  
10 annually certify to the Commission its production of wine  
11 in the previous 12 months and its anticipated production  
12 and sales for the next 12 months. The Commission may fine,  
13 suspend, or revoke a self-distribution exemption after a  
14 hearing if it finds that the exemption holder has made a  
15 material misrepresentation in its application, violated a  
16 revenue or liquor law of Illinois, exceeded production of  
17 25,000 gallons of wine in any calendar year, or become part  
18 of an affiliated group producing more than 25,000 gallons  
19 of wine or any other alcoholic liquor.

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

1 (F) The Commission shall issue regulations governing  
2 self-distribution exemptions consistent with this Section  
3 and this Act.

4 (G) Nothing in this paragraph ~~subsection~~ (17) shall  
5 prohibit a self-distribution exemption holder from  
6 entering into or simultaneously having a distribution  
7 agreement with a licensed Illinois distributor.

8 (H) It is the intent of this paragraph ~~subsection~~ (17)  
9 to promote and continue orderly markets. The General  
10 Assembly finds that in order to preserve Illinois'  
11 regulatory distribution system it is necessary to create an  
12 exception for smaller makers of wine as their wines are  
13 frequently adjusted in varietals, mixes, vintages, and  
14 taste to find and create market niches sometimes too small  
15 for distributor or importing distributor business  
16 strategies. Limited self-distribution rights will afford  
17 and allow smaller makers of wine access to the marketplace  
18 in order to develop a customer base without impairing the  
19 integrity of the 3-tier system.

20 (18)(A) A class 1 brewer licensee, who must also be  
21 either a licensed brewer or licensed non-resident dealer  
22 and annually manufacture less than 930,000 gallons of beer,  
23 may make application to the State Commission for a  
24 self-distribution exemption to allow the sale of not more  
25 than 232,500 gallons of the exemption holder's beer per  
26 year to retail licensees and to brewers, class 1 brewers,

1 and class 2 brewers that, pursuant to subsection (e) of  
2 Section 6-4 of this Act, sell beer, cider, or both beer and  
3 cider to non-licensees at their breweries.

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

14 (C) Any application submitted shall be posted on the  
15 State Commission's website at least 45 days prior to action  
16 by the State Commission. The State Commission shall approve  
17 the application for a self-distribution exemption if the  
18 class 1 brewer licensee: (1) is in compliance with the  
19 State, revenue, and alcoholic beverage laws; (2) is not a  
20 member of any affiliated group that manufactures more than  
21 930,000 gallons of beer per annum or produces any other  
22 alcoholic beverages; (3) shall not annually manufacture  
23 for sale more than 930,000 gallons of beer; (4) shall not  
24 annually sell more than 232,500 gallons of its beer to  
25 retail licensees or to brewers, class 1 brewers, and class  
26 2 brewers that, pursuant to subsection (e) of Section 6-4

1 of this Act, sell beer, cider, or both beer and cider to  
2 non-licensees at their breweries; and (5) has relinquished  
3 any brew pub license held by the licensee, including any  
4 ownership interest it held in the licensed brew pub.

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

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

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

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

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

13 (19) (A) A class 1 craft distiller licensee or a  
14 non-resident dealer who manufactures less than 50,000  
15 gallons of distilled spirits per year may make application  
16 to the State Commission for a self-distribution exemption  
17 to allow the sale of not more than 5,000 gallons of the  
18 exemption holder's spirits to retail licensees per year.

19 (B) In the application, which shall be sworn under  
20 penalty of perjury, the class 1 craft distiller licensee or  
21 non-resident dealer shall state (1) the date it was  
22 established; (2) its volume of spirits manufactured and  
23 sold for each year since its establishment; (3) its efforts  
24 to establish distributor relationships; (4) that a  
25 self-distribution exemption is necessary to facilitate the  
26 marketing of its spirits; and (5) that it will comply with



1       the alcoholic beverage and revenue laws of the United  
2       States, this State, and any other state where it is  
3       licensed.

4       (C) Any application submitted shall be posted on the  
5       State Commission's website at least 45 days prior to action  
6       by the State Commission. The State Commission shall approve  
7       the application for a self-distribution exemption if the  
8       applicant: (1) is in compliance with State revenue and  
9       alcoholic beverage laws; (2) is not a member of any  
10       affiliated group that produces more than 50,000 gallons of  
11       spirits per annum or produces any other alcoholic liquor;  
12       (3) does not annually manufacture for sale more than 50,000  
13       gallons of spirits; and (4) does not annually sell more  
14       than 5,000 gallons of its spirits to retail licensees.

15       (D) A self-distribution exemption holder shall  
16       annually certify to the State Commission its manufacture of  
17       spirits during the previous 12 months and its anticipated  
18       manufacture and sales of spirits for the next 12 months.  
19       The State Commission may fine, suspend, or revoke a  
20       self-distribution exemption after a hearing if it finds  
21       that the exemption holder has made a material  
22       misrepresentation in its application, violated a revenue  
23       or alcoholic beverage law of Illinois, exceeded the  
24       manufacture of 50,000 gallons of spirits in any calendar  
25       year, or has become part of an affiliated group  
26       manufacturing more than 50,000 gallons of spirits or any

1       other alcoholic beverage.

2           (E) The State Commission shall adopt rules governing  
3       self-distribution exemptions consistent with this Act.

4           (F) Nothing in this paragraph (19) shall prohibit a  
5       self-distribution exemption holder from entering into or  
6       simultaneously having a distribution agreement with a  
7       licensed Illinois importing distributor or a distributor.

8           (G) It is the intent of this paragraph (19) to promote  
9       and continue orderly markets. The General Assembly finds  
10       that in order to preserve Illinois' regulatory  
11       distribution system, it is necessary to create an exception  
12       for smaller manufacturers in order to afford and allow such  
13       smaller manufacturers of spirits access to the marketplace  
14       in order to develop a customer base without impairing the  
15       integrity of the 3-tier system.

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

22       As part of its report, the Commission shall provide the  
23       following information:

24           (i) the amount of State excise and sales tax revenues  
25       generated as a result of Public Act 90-739;

26           (ii) the amount of licensing fees received as a result

1 of Public Act 90-739;

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

7 (Source: P.A. 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;  
8 100-134, eff. 8-18-17; 100-201, eff. 8-18-17; 100-816, eff.  
9 8-13-18; 100-1012, eff. 8-21-18; 100-1050, eff. 8-23-18;  
10 revised 10-24-18.)

11 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

21 (b) Distributor's license,

22 (c) Importing Distributor's license,

23 (d) Retailer's license,

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

25 (f) Railroad license,

- 1 (g) Boat license,  
2 (h) Non-Beverage User's license,  
3 (i) Wine-maker's premises license,  
4 (j) Airplane license,  
5 (k) Foreign importer's license,  
6 (l) Broker's license,  
7 (m) Non-resident dealer's license,  
8 (n) Brew Pub license,  
9 (o) Auction liquor license,  
10 (p) Caterer retailer license,  
11 (q) Special use permit license,  
12 (r) Winery shipper's license,  
13 (s) Craft distiller tasting permit,  
14 (t) Brewer warehouse permit,  
15 (u) Distilling pub license,  
16 (v) Craft distiller warehouse permit.

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

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

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

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

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

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

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

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

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

1 Public Act 95-634.

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

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

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

1 conditions set forth in paragraph (19) of subsection (a) of  
2 Section 3-12 of this Act. However, the aggregate amount of  
3 spirits sold to non-licensees and sold or delivered to retail  
4 licensees may not exceed 5,000 gallons per year.

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

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

22 Class 10. A class 2 craft distiller license, which may only  
23 be issued to a licensed distiller or licensed non-resident  
24 dealer, shall allow the manufacture of up to 100,000 gallons of  
25 spirits per year provided that the class 2 craft distiller  
26 licensee does not manufacture more than a combined 100,000

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

24 A class 2 craft distiller shall, prior to transferring  
25 spirits to a distilling pub wholly owned by the class 2 craft  
26 distiller, furnish a written notice to the State Commission of



1 intent to transfer spirits setting forth the name and address  
2 of the distilling pub and shall annually submit to the State  
3 Commission a verified report identifying the total gallons of  
4 spirits transferred to the distilling pub wholly owned by the  
5 class 2 craft distiller.

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

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

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

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

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

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

1 brewer wholly owned and operated by the same licensee.

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

17 A class 2 brewer may transfer beer to a brew pub wholly  
18 owned and operated by the class 2 brewer subject to the  
19 following limitations and restrictions: (i) the transfer shall  
20 not annually exceed more than 31,000 gallons; (ii) the annual  
21 amount transferred shall reduce the brew pub's annual permitted  
22 production limit; (iii) all beer transferred shall be subject  
23 to Article VIII of this Act; (iv) a written record shall be  
24 maintained by the brewer and brew pub specifying the amount,  
25 date of delivery, and receipt of the product by the brew pub;  
26 and (v) the brew pub shall be located no farther than 80 miles

1 from the class 2 brewer's licensed location.

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

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

16 Registration of agents, representatives, or persons acting  
17 on behalf of a manufacturer is fulfilled by submitting a form  
18 to the Commission. The form shall be developed by the  
19 Commission and shall include the name and address of the  
20 applicant, the name and address of the manufacturer he or she  
21 represents, the territory or areas assigned to sell to or  
22 discuss pricing terms of alcoholic liquor, and any other  
23 questions deemed appropriate and necessary. All statements in  
24 the forms required to be made by law or by rule shall be deemed  
25 material, and any person who knowingly misstates any material  
26 fact under oath in an application is guilty of a Class B

1 misdemeanor. Fraud, misrepresentation, false statements,  
2 misleading statements, evasions, or suppression of material  
3 facts in the securing of a registration are grounds for  
4 suspension or revocation of the registration. The State  
5 Commission shall post a list of registered agents on the  
6 Commission's website.

7 (b) A distributor's license shall allow the wholesale  
8 purchase and storage of alcoholic liquors and sale of alcoholic  
9 liquors to licensees in this State and to persons without the  
10 State, as may be permitted by law, and the sale of beer, cider,  
11 or both beer and cider to brewers, class 1 brewers, and class 2  
12 brewers that, pursuant to subsection (e) of Section 6-4 of this  
13 Act, sell beer, cider, or both beer and cider to non-licensees  
14 at their breweries. No person licensed as a distributor shall  
15 be granted a non-resident dealer's license.

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

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

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

25 Notwithstanding any other provision of this subsection  
26 (d), a retail licensee may sell alcoholic liquors to a special

1 event retailer licensee for resale to the extent permitted  
2 under subsection (e).

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

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

6 Nothing in this Act prohibits an Illinois licensed  
7 distributor from offering credit or a refund for unused,  
8 salable alcoholic liquors to a holder of a special event  
9 retailer's license or ~~from~~ the special event retailer's  
10 licensee from accepting the credit or refund of alcoholic  
11 liquors at the conclusion of the event specified in the  
12 license.

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



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

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

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

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

1 Class 4, not to exceed ..... 10,000 gallons

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

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

1 Section 5-3 of this Act. A wine-maker's premises licensee shall  
2 secure liquor liability insurance coverage in an amount at  
3 least equal to the maximum liability amounts set forth in  
4 subsection (a) of Section 6-21 of this Act.

5 (j) An airplane 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 an airplane; and provided further, that  
15 airplane licensees exercising the above powers shall be subject  
16 to all provisions of Article VIII of this Act as applied to  
17 importing distributors. An airplane licensee shall also permit  
18 the sale or dispensing of alcoholic liquors on any passenger  
19 airplane regularly operated by a common carrier in this State,  
20 but shall not permit the sale for resale of any alcoholic  
21 liquors to any licensee within this State. A single airplane  
22 license shall be required of an airline company if liquor  
23 service is provided on board aircraft in this State. The annual  
24 fee for such license shall be as determined in Section 5-3.

25 (k) A foreign importer's license shall permit such licensee  
26 to purchase alcoholic liquor from Illinois licensed

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

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

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

1 for sale to such retailer by a broker unless the broker is the  
2 holder of a valid broker's license.

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

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

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

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

1 its registrants thereunder.

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

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

24 (n) A brew pub license shall allow the licensee to only (i)  
25 manufacture up to 155,000 gallons of beer per year only on the  
26 premises specified in the license, (ii) make sales of the beer

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

16 A brew pub licensee shall not under any circumstance sell  
17 or offer for sale beer manufactured by the brew pub licensee to  
18 retail licensees.

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

1 directly or indirectly, a manufacturer that produces more than  
2 3,720,000 gallons of beer per year or any other alcoholic  
3 liquor.

4 Notwithstanding any other provision of this Act, a licensed  
5 brewer, class 2 brewer, or non-resident dealer who before July  
6 1, 2015 manufactured less than 3,720,000 gallons of beer per  
7 year and held a brew pub license on or before July 1, 2015 may  
8 (i) continue to qualify for and hold that brew pub license for  
9 the licensed premises and (ii) manufacture more than 3,720,000  
10 gallons of beer per year and continue to qualify for and hold  
11 that brew pub license if that brewer, class 2 brewer, or  
12 non-resident dealer does not simultaneously hold a class 1  
13 brewer license and is not a member of or affiliated with,  
14 directly or indirectly, a manufacturer that produces more than  
15 3,720,000 gallons of beer per year or that produces any other  
16 alcoholic liquor.

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

22 (p) An auction liquor license shall allow the licensee to  
23 sell and offer for sale at auction wine and spirits for use or  
24 consumption, or for resale by an Illinois liquor licensee in  
25 accordance with provisions of this Act. An auction liquor  
26 license will be issued to a person and it will permit the



1 auction liquor licensee to hold the auction anywhere in the  
2 State. An auction liquor license must be obtained for each  
3 auction at least 14 days in advance of the auction date.

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

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

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

1 shipper's license application or any renewal thereof. The  
2 winery shipper's license holder shall affirm under penalty of  
3 perjury, as part of the winery shipper's license application or  
4 renewal, that he or she only ships wine, either directly or  
5 indirectly through a third-party provider, from the licensee's  
6 own production.

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

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

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

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

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

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

26          A winery shipper licensee must pay to the Department of

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

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

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

1 specified in paragraph (1) of subsection (a) of Section 3-12.

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

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

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

1 permit. If the holder of the permit is a class 2 brewer  
2 licensee, the brewer warehouse permit shall allow the holder to  
3 store or warehouse up to 3,720,000 gallons of tax-determined  
4 beer manufactured by the holder of the permit at the premises  
5 specified on the permit. Sales to non-licensees are prohibited  
6 at the premises specified in the brewer warehouse permit.

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

26 A distilling pub licensee shall not under any circumstance

1 sell or offer for sale spirits manufactured by the distilling  
2 pub licensee to retail licensees.

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

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

21 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;  
22 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.  
23 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,  
24 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;  
25 revised 10-2-18.)



1 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

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

	Online	Initial
	renewal	license
		or
		non-online
		renewal

14 For a manufacturer's license:

Class 1. Distiller .....	\$4,000	\$5,000
Class 2. Rectifier .....	4,000	5,000
Class 3. Brewer .....	1,200	1,500
Class 4. First-class Wine		
Manufacturer .....	750	900
Class 5. Second-class		
Wine Manufacturer .....	1,500	1,750
Class 6. First-class wine-maker ....	750	900
Class 7. Second-class wine-maker ..	1,500	1,750
Class 8. Limited Wine		
Manufacturer .....	250	350
Class 9. <u>Class 1</u> Craft Distiller ..	<u>50</u>	<u>75</u>

1	<u>Class 10. Class 2 Craft Distiller ..</u>	<u>75</u>	<u>100</u>
2	Class <u>11</u> <del>10</del> . Class 1 Brewer .....	50	75
3	Class <u>12</u> <del>11</del> . Class 2 Brewer .....	75	100
4	For a Brew Pub License .....	1,200	1,500
5	<u>For a Distilling Pub License .....</u>	<u>1,200</u>	<u>1,500</u>
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	<u>For a craft distiller</u>		
16	<u>warehouse permit .....</u>	<u>25</u>	<u>25</u>

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. 99-448, eff. 8-24-15; 99-902, eff. 8-26-16;  
21 99-904, eff. 8-26-16; 100-201, eff. 8-18-17; 100-816, eff.  
22 8-13-18.)

23 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

24 Sec. 6-4. (a) No person licensed by any licensing authority  
25 as a distiller, or a wine manufacturer, or any subsidiary or

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

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

25 (b) The foregoing provisions shall not apply to any person  
26 licensed by any licensing authority as a distiller or wine

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

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

1 distribute to retailers any other alcoholic liquors or wines.

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

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



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

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

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

18 A person licensed as a class 1 craft distiller or a class 2  
19 craft distiller, including a person who holds more than one  
20 class 1 craft distiller or class 2 craft distiller license, not  
21 affiliated with any other person manufacturing spirits may be  
22 authorized by the State Commission to sell (1) up to 5,000  
23 ~~2,500~~ gallons of spirits produced by the person to  
24 non-licensees for on or off-premises consumption for the  
25 premises in which he or she actually conducts business  
26 permitting only the retail sale of spirits manufactured at such

1 premises and (2) vermouth purchased through a licensed  
2 distributor for on-premises consumption. Such sales shall be  
3 limited to on-premises, in-person sales only, for lawful  
4 consumption on or off premises, and such authorization shall be  
5 considered a privilege granted by the class 1 craft distiller  
6 or class 2 craft distiller license. A class 1 craft distiller  
7 or class 2 craft distiller licensed for retail sale 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 A class 1 craft distiller or class 2 craft distiller  
12 license holder shall not deliver any alcoholic liquor to any  
13 non-licensee off the licensed premises. A class 1 craft  
14 distiller or class 2 craft distiller shall affirm in its annual  
15 ~~craft distiller's~~ license application that it does not produce  
16 more than 50,000 or 100,000 gallons of distilled spirits  
17 annually, whichever is applicable, and that the craft distiller  
18 does not sell more than 5,000 ~~2,500~~ gallons of spirits to  
19 non-licensees for on or off-premises consumption. In the  
20 application, which shall be sworn under penalty of perjury, the  
21 class 1 craft distiller or class 2 craft distiller shall state  
22 the volume of production and sales for each year since the  
23 class 1 craft distiller's or class 2 craft distiller's  
24 establishment.

25 A person who holds a class 1 craft distiller or class 2  
26 craft distiller license and is authorized by this Section to

1 sell spirits to non-licensees shall not sell spirits to  
2 non-licensees from more than 3 total distillery or commonly  
3 owned distilling pub licensed locations in this State. The  
4 class 1 craft distiller or class 2 craft distiller shall  
5 designate to the State Commission the distillery or distilling  
6 pub locations from which it will sell spirits to non-licensees.

7 (f) (Blank).

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

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

1 license and if that person, within 90 days of the State  
2 Commission appearance and recorded vote, first filed an  
3 application with the appropriate local commission, which  
4 application was subsequently approved by the appropriate local  
5 commission prior to consideration by the State Commission of  
6 that person's application for a retail license. It is further  
7 provided that the State Commission may approve the person's  
8 application for a retail license or renewals of such license if  
9 such person continues to diligently adhere to all  
10 representations made in writing to the State Commission on or  
11 before February 18, 2015, or thereafter, or in the affidavit  
12 filed by that person with the State Commission to support the  
13 issuance of a retail license and to abide by all applicable  
14 laws and duly adopted rules.

15 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;  
16 99-642, eff. 7-28-16; 99-902, eff. 8-26-16; 100-201, eff.  
17 8-18-17; 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; revised  
18 10-24-18.)

19 (235 ILCS 5/6-31)

20 Sec. 6-31. Product sampling.

21 (a) Retailer, distributor, importing distributor,  
22 manufacturer and nonresident dealer licensees may conduct  
23 product sampling for consumption at a licensed retail location.  
24 Up to 3 samples, consisting of no more than (i) 1/4 ounce of  
25 distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of

1 beer may be served to a consumer in one day.

2 (b) Notwithstanding the provisions of subsection (a), an  
3 on-premises retail licensee may offer for sale and serve more  
4 than one drink per person for sampling purposes. In any event,  
5 all provisions of Section 6-28 shall apply to an on-premises  
6 retail licensee that conducts product sampling.

7 (c) (Blank). ~~A craft distiller tasting permit licensee may  
8 conduct product sampling of distilled spirits for consumption  
9 at the location specified in the craft distiller tasting permit  
10 license. Up to 3 samples, consisting of no more than 1/4 ounce  
11 of distilled spirits, may be served to a consumer in one day.~~

12 (Source: P.A. 99-46, eff. 7-15-15; 99-902, eff. 8-26-16.)

13 (235 ILCS 5/11-1) (from Ch. 43, par. 193)

14 Sec. 11-1. The articles, provisions and sections of this  
15 Act shall be deemed to be separable and the invalidity of any  
16 portion of this Act shall not affect the validity of the  
17 remainder. If any provision of this Act, or its application to  
18 any person or circumstance, is determined by a court of  
19 competent jurisdiction to be unconstitutional, the remaining  
20 provisions shall be construed in accordance with the intent of  
21 the General Assembly to further limit rather than expand  
22 commerce in alcoholic liquor.

23 (Source: P.A. 82-783.)".