



Rep. Will Guzzardi

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1 AMENDMENT TO HOUSE BILL 3610

2 AMENDMENT NO. _____. Amend House Bill 3610 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 Section 5-1 as follows:

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

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

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

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

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

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

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

26 Class 1. A Distiller may make sales and deliveries of

1 alcoholic liquor to distillers, rectifiers, importing
2 distributors, distributors and non-beverage users and to no
3 other licensees.

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

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

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

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

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

1 this practice on or before July 1, 2008 in compliance with
2 Public Act 95-634.

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

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

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

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

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

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

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

1 distributors and distributors and to retail licensees in
2 accordance with the conditions set forth in paragraph (18) of
3 subsection (a) of Section 3-12 of this Act. If the State
4 Commission provides prior approval, a class 1 brewer may
5 annually transfer up to 930,000 gallons of beer manufactured by
6 that class 1 brewer to the premises of a licensed class 1
7 brewer wholly owned and operated by the same licensee.

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

23 A class 2 brewer may transfer beer to a brew pub wholly
24 owned and operated by the class 2 brewer subject to the
25 following limitations and restrictions: (i) the transfer shall
26 not annually exceed more than 31,000 gallons; (ii) the annual

1 amount transferred shall reduce the brew pub's annual permitted
2 production limit; (iii) all beer transferred shall be subject
3 to Article VIII of this Act; (iv) a written record shall be
4 maintained by the brewer and brew pub specifying the amount,
5 date of delivery, and receipt of the product by the brew pub;
6 and (v) the brew pub shall be located no farther than 80 miles
7 from the class 2 brewer's licensed location.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 4 Class 1, not to exceed 500 gallons
- 5 Class 2, not to exceed 1,000 gallons
- 6 Class 3, not to exceed 5,000 gallons
- 7 Class 4, not to exceed 10,000 gallons
- 8 Class 5, not to exceed 50,000 gallons

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

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

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

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

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

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

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

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

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

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

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

1 liquors.

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

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

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

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

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

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

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

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

1 alcoholic liquor.

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

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

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

1 applicant will provide dram shop liability insurance to the
2 maximum limits and have local authority approval.

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

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

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

1 third-party, except for a common carrier, holding such an
2 appointment shall, by February 1 of each calendar year and upon
3 request by the State Commission or the Department of Revenue,
4 file with the State Commission a statement detailing each
5 shipment made to an Illinois resident. The statement shall
6 include the name and address of the third-party provider filing
7 the statement, the time period covered by the statement, and
8 the following information:

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

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

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

13 If the Department of Revenue or the State Commission requests a
14 statement under this paragraph, the third-party provider must
15 provide that statement no later than 30 days after the request
16 is made. Any books, records, supporting papers, and documents
17 containing information and data relating to a statement under
18 this paragraph shall be kept and preserved for a period of 3
19 years, unless their destruction sooner is authorized, in
20 writing, by the Director of Revenue, and shall be open and
21 available to inspection by the Director of Revenue or the State
22 Commission or any duly authorized officer, agent, or employee
23 of the State Commission or the Department of Revenue, at all
24 times during business hours of the day. Any person who violates
25 any provision of this paragraph or any rule of the State
26 Commission for the administration and enforcement of the

1 provisions of this paragraph is guilty of a Class C
2 misdemeanor. In case of a continuing violation, each day's
3 continuance thereof shall be a separate and distinct offense.

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

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

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

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

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

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

18 (s) A craft distiller tasting permit license shall allow an
19 Illinois licensed craft distiller to transfer a portion of its
20 alcoholic liquor inventory from its craft distiller licensed
21 premises to the premises specified in the license hereby
22 created and to conduct a sampling, only in the premises
23 specified in the license hereby created, of the transferred
24 alcoholic liquor in accordance with subsection (c) of Section
25 6-31 of this Act. The transferred alcoholic liquor may not be
26 sold or resold in any form. An applicant for the craft

1 distiller tasting permit license must also submit with the
2 application proof satisfactory to the State Commission that the
3 applicant will provide dram shop liability insurance to the
4 maximum limits and have local authority approval.

5 A brewer warehouse permit may be issued to the holder of a
6 class 1 brewer license or a class 2 brewer license. If the
7 holder of the permit is a class 1 brewer licensee, the brewer
8 warehouse permit shall allow the holder to store or warehouse
9 up to 930,000 gallons of tax-determined beer manufactured by
10 the holder of the permit at the premises specified on the
11 permit. If the holder of the permit is a class 2 brewer
12 licensee, the brewer warehouse permit shall allow the holder to
13 store or warehouse up to 3,720,000 gallons of tax-determined
14 beer manufactured by the holder of the permit at the premises
15 specified on the permit. Sales to non-licensees are prohibited
16 at the premises specified in the brewer warehouse permit.

17 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;
18 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.
19 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,
20 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;
21 revised 10-2-18.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."