

HB5222



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5222

by Rep. Tim Butler

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-28

from Ch. 43, par. 144d

235 ILCS 5/6-28.5

Amends the Liquor Control Act of 1934. Provides that if a person purchases a mug, cup, or other glassware from a retail licensee, then that retail licensee may offer a discount to fill or refill that mug, cup, or other glassware. Makes a conforming change.

LRB101 17155 RPS 66556 b

A BILL FOR

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 6-28 and 6-28.5 as follows:

6 (235 ILCS 5/6-28) (from Ch. 43, par. 144d)

7 Sec. 6-28. Prohibited happy hours.

8 (a) (Blank).

9 (b) No retail licensee or employee or agent of such
10 licensee shall:

11 (1) sell more than one drink of alcoholic liquor for
12 the price of one drink of alcoholic liquor;

13 (2) sell, offer to sell or serve to any person an
14 unlimited number of drinks of alcoholic liquor during any
15 set period of time for a fixed price, except at private
16 functions not open to the general public or as provided in
17 Section 6-28.5 of this Act;

18 (3) (blank);

19 (4) except as provided in subsection (b-5) of Section
20 6-28.5, increase the volume of alcoholic liquor contained
21 in a drink, or the size of a drink of alcoholic liquor,
22 without increasing proportionately the price regularly
23 charged for the drink on that day;

1 (5) encourage or permit, on the licensed premises, any
2 game or contest which involves drinking alcoholic liquor or
3 the awarding of drinks of alcoholic liquor as prizes for
4 such game or contest on the licensed premises; or

5 (6) advertise or promote in any way, whether on or off
6 the licensed premises, any of the practices prohibited
7 under paragraphs (1) through (5).

8 (c) (Blank).

9 (d) A violation of this Section shall be grounds for
10 suspension or revocation of the retailer's license as provided
11 by this Act. The State Commission may not enforce any trade
12 practice policy or other rule that was not adopted in
13 accordance with the Illinois Administrative Procedure Act.

14 (Source: P.A. 98-571, eff. 8-27-13; 99-46, eff. 7-15-15.)

15 (235 ILCS 5/6-28.5)

16 Sec. 6-28.5. Permitted happy hours and meal packages, party
17 packages, and entertainment packages.

18 (a) As used in this Section:

19 "Dedicated event space" means a room or rooms or other
20 clearly delineated space within a retail licensee's premises
21 that is reserved for the exclusive use of party package
22 invitees during the entirety of a party package. Furniture,
23 stanchions and ropes, or other room dividers may be used to
24 clearly delineate a dedicated event space.

25 "Meal package" means a food and beverage package, which may

1 or may not include entertainment, where the service of
2 alcoholic liquor is an accompaniment to the food, including,
3 but not limited to, a meal, tour, tasting, or any combination
4 thereof for a fixed price by a retail licensee or any other
5 licensee operating within a sports facility, restaurant,
6 winery, brewery, or distillery.

7 "Party package" means a private party, function, or event
8 for a specific social or business occasion, either arranged by
9 invitation or reservation for a defined number of individuals,
10 that is not open to the general public and where attendees are
11 served both food and alcohol for a fixed price in a dedicated
12 event space.

13 (b) A retail licensee may:

14 (1) offer free food or entertainment at any time;

15 (2) include drinks of alcoholic liquor as part of a
16 meal package;

17 (3) sell or offer for sale a party package only if the
18 retail licensee:

19 (A) offers food in the dedicated event space;

20 (B) limits the party package to no more than 3
21 hours;

22 (C) distributes wristbands, lanyards, shirts, or
23 any other such wearable items to identify party package
24 attendees so the attendees may be granted access to the
25 dedicated event space; and

26 (D) excludes individuals not participating in the

1 party package from the dedicated event space;

2 (4) include drinks of alcoholic liquor as part of a
3 hotel package;

4 (5) negotiate drinks of alcoholic liquor as part of a
5 hotel package;

6 (6) provide room service to persons renting rooms at a
7 hotel;

8 (7) sell pitchers (or the equivalent, including, but
9 not limited to, buckets of bottled beer), carafes, or
10 bottles of alcoholic liquor which are customarily sold in
11 such manner, or sell bottles of spirits;

12 (8) advertise events permitted under this Section;

13 (9) include drinks of alcoholic liquor as part of an
14 entertainment package where the licensee is separately
15 licensed by a municipal ordinance that (A) restricts dates
16 of operation to dates during which there is an event at an
17 adjacent stadium, (B) restricts hours of serving alcoholic
18 liquor to 2 hours before the event and one hour after the
19 event, (C) restricts alcoholic liquor sales to beer and
20 wine, (D) requires tickets for admission to the
21 establishment, and (E) prohibits sale of admission tickets
22 on the day of an event and permits the sale of admission
23 tickets for single events only; and

24 (10) discount any drink of alcoholic liquor during a
25 specified time period only if:

26 (A) the price of the drink of alcoholic liquor is

1 not changed during the time that it is discounted;

2 (B) the period of time during which any drink of
3 alcoholic liquor is discounted does not exceed 4 hours
4 per day and 15 hours per week; however, this period of
5 time is not required to be consecutive and may be
6 divided by the licensee in any manner;

7 (C) the drink of alcoholic liquor is not discounted
8 between the hours of 10:00 p.m. and the licensed
9 premises' closing hour; and

10 (D) notice of the discount of the drink of
11 alcoholic liquor during a specified time is posted on
12 the licensed premises or on the licensee's publicly
13 available website at least 7 days prior to the
14 specified time.

15 (b-5) If a person purchases a mug, cup, or other glassware
16 from a retail licensee, then that retail licensee may offer a
17 discount to fill or refill that mug, cup, or other glassware.

18 (c) A violation of this Section shall be grounds for
19 suspension or revocation of the retailer's license as provided
20 by this Act. The State Commission may not enforce any trade
21 practice policy or other rule that was not adopted in
22 accordance with the Illinois Administrative Procedure Act.

23 (d) All licensees affected by this Section must also comply
24 with Sections 6-16, 6-21, and 6-27.1 of this Act.

25 (Source: P.A. 99-46, eff. 7-15-15; 100-201, eff. 8-18-17.)