



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3532

Introduced 2/14/2020, by Sen. Jason A. Barickman

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/3-12	
235 ILCS 5/5-1	from Ch. 43, par. 115
235 ILCS 5/6-4	from Ch. 43, par. 121

Amends the Liquor Control Act of 1934. Provides that a brewer, class 1 brewer, or class 2 brewer may sell mead for on-premises or off-premises consumption. Authorizes a distributor licensee to sell mead to brewers, class 1 brewers, and class 2 brewers that sell beer, cider, or mead to non-licensees at their breweries. Provides that a self-distribution exemption for certain wine manufacturers shall allow the sale of cider, mead, or both cider and mead to brewers, class 1 brewers, and class 2 brewers that sell beer, cider, mead, or any combination thereof to non-licensees at their breweries. Makes conforming changes. Effective immediately.

LRB101 18654 RPS 68109 b

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 3-12, 5-1, and 6-4 as follows:

6 (235 ILCS 5/3-12)

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

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

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

1 days prior to such violation. Except in the case of an  
2 action taken pursuant to a violation of Section 6-3, 6-5,  
3 or 6-9, any action by the State Commission to suspend or  
4 revoke a licensee's license may be limited to the license  
5 for the specific premises where the violation occurred. An  
6 action for a violation of this Act shall be commenced by  
7 the State Commission within 2 years after the date the  
8 State Commission becomes aware of the violation.

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

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

22 The fine imposed under this paragraph may not exceed  
23 \$500 for each violation. Each day that the activity, which  
24 gave rise to the original fine, continues is a separate  
25 violation. The maximum fine that may be levied against any  
26 licensee, for the period of the license, shall not exceed

1           \$20,000. The maximum penalty that may be imposed on a  
2           licensee for selling a bottle of alcoholic liquor with a  
3           foreign object in it or serving from a bottle of alcoholic  
4           liquor with a foreign object in it shall be the destruction  
5           of that bottle of alcoholic liquor for the first 10 bottles  
6           so sold or served from by the licensee. For the eleventh  
7           bottle of alcoholic liquor and for each third bottle  
8           thereafter sold or served from by the licensee with a  
9           foreign object in it, the maximum penalty that may be  
10          imposed on the licensee is the destruction of the bottle of  
11          alcoholic liquor and a fine of up to \$50.

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

21           (2) To adopt such rules and regulations consistent with  
22          the provisions of this Act which shall be necessary to  
23          carry on its functions and duties to the end that the  
24          health, safety and welfare of the People of the State of  
25          Illinois shall be protected and temperance in the  
26          consumption of alcoholic liquors shall be fostered and

1 promoted and to distribute copies of such rules and  
2 regulations to all licensees affected thereby.

3 (3) To call upon other administrative departments of  
4 the State, county and municipal governments, county and  
5 city police departments and upon prosecuting officers for  
6 such information and assistance as it deems necessary in  
7 the performance of its duties.

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

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

20 (5.1) Upon receipt of a complaint or upon having  
21 knowledge that any person is engaged in business as a  
22 manufacturer, importing distributor, distributor, or  
23 retailer without a license or valid license, to conduct an  
24 investigation. If, after conducting an investigation, the  
25 State Commission is satisfied that the alleged conduct  
26 occurred or is occurring, it may issue a cease and desist

1 notice as provided in this Act, impose civil penalties as  
2 provided in this Act, notify the local liquor authority, or  
3 file a complaint with the State's Attorney's Office of the  
4 county where the incident occurred or the Attorney General.

5 (5.2) Upon receipt of a complaint or upon having  
6 knowledge that any person is shipping alcoholic liquor into  
7 this State from a point outside of this State if the  
8 shipment is in violation of this Act, to conduct an  
9 investigation. If, after conducting an investigation, the  
10 State Commission is satisfied that the alleged conduct  
11 occurred or is occurring, it may issue a cease and desist  
12 notice as provided in this Act, impose civil penalties as  
13 provided in this Act, notify the foreign jurisdiction, or  
14 file a complaint with the State's Attorney's Office of the  
15 county where the incident occurred or the Attorney General.

16 (5.3) To receive complaints from licensees, local  
17 officials, law enforcement agencies, organizations, and  
18 persons stating that any licensee has been or is violating  
19 any provision of this Act or the rules and regulations  
20 issued pursuant to this Act. Such complaints shall be in  
21 writing, signed and sworn to by the person making the  
22 complaint, and shall state with specificity the facts in  
23 relation to the alleged violation. If the State Commission  
24 has reasonable grounds to believe that the complaint  
25 substantially alleges a violation of this Act or rules and  
26 regulations adopted pursuant to this Act, it shall conduct

1 an investigation. If, after conducting an investigation,  
2 the State Commission is satisfied that the alleged  
3 violation did occur, it shall proceed with disciplinary  
4 action against the licensee as provided in this Act.

5 (5.4) To make arrests and issue notices of civil  
6 violations where necessary for the enforcement of this Act.

7 (5.5) To investigate any and all unlicensed activity.

8 (5.6) To impose civil penalties or fines to any person  
9 who, without holding a valid license, engages in conduct  
10 that requires a license pursuant to this Act, in an amount  
11 not to exceed \$20,000 for each offense as determined by the  
12 State Commission. A civil penalty shall be assessed by the  
13 State Commission after a hearing is held in accordance with  
14 the provisions set forth in this Act regarding the  
15 provision of a hearing for the revocation or suspension of  
16 a license.

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

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

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

22 (8) In the conduct of any hearing authorized to be held  
23 by the State 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 State Commission shall present a written  
19 report to the Governor and the General Assembly that shall  
20 be based on a study of the impact of Public Act 95-634 on  
21 the 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 State Commission  
24 shall 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 State Commission shall conduct  
19 alcohol compliance operations to investigate whether  
20 businesses that are soliciting, selling, and shipping wine  
21 from inside or outside of this State directly to residents  
22 of this 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 State Commission shall, in addition to  
26 notifying any appropriate law enforcement agency, submit

1 notices of complaints or violations of Sections 6-29 and  
2 6-29.1 by persons who do not hold a winery shipper's  
3 license under this Act to the Illinois Attorney General and  
4 to the U.S. Department of Treasury's Alcohol and Tobacco  
5 Tax and Trade 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 and to sell  
17 cider, mead, or both cider and mead to brewers, class 1  
18 brewers, and class 2 brewers that pursuant to subsection  
19 (e) of Section 6-4 of this Act sell beer, cider, mead, or  
20 any combination thereof to non-licensees at their  
21 breweries.

22 (B) In the application, which shall be sworn under  
23 penalty of perjury, such person shall state (1) the date it  
24 was established; (2) its volume of production and sales for  
25 each year since its establishment; (3) its efforts to  
26 establish distributor relationships; (4) that a

1 self-distribution exemption is necessary to facilitate the  
2 marketing of its wine; and (5) that it will comply with the  
3 liquor and revenue laws of the United States, this State,  
4 and any other state where it is licensed.

5 (C) The State Commission shall approve the application  
6 for a self-distribution exemption if such person: (1) is in  
7 compliance with State revenue and liquor laws; (2) is not a  
8 member of any affiliated group that produces more than  
9 25,000 gallons of wine per annum or produces any other  
10 alcoholic liquor; (3) will not annually produce for sale  
11 more than 25,000 gallons of wine; and (4) will not annually  
12 sell more than 5,000 gallons of its wine to retail  
13 licensees.

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

26 (E) Except in hearings for violations of this Act or

1 Public Act 95-634 or a bona fide investigation by duly  
2 sworn law enforcement officials, the State Commission, or  
3 its agents, the State Commission shall maintain the  
4 production and sales information of a self-distribution  
5 exemption holder as confidential and shall not release such  
6 information to any person.

7 (F) The State Commission shall issue regulations  
8 governing self-distribution exemptions consistent with  
9 this Section and this Act.

10 (G) Nothing in this paragraph (17) shall prohibit a  
11 self-distribution exemption holder from entering into or  
12 simultaneously having a distribution agreement with a  
13 licensed Illinois distributor.

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

26 (18) (A) A class 1 brewer licensee, who must also be

1       either a licensed brewer or licensed non-resident dealer  
2       and annually manufacture less than 930,000 gallons of beer,  
3       may make application to the State Commission for a  
4       self-distribution exemption to allow the sale of not more  
5       than 232,500 gallons per year of the exemption holder's  
6       beer ~~per year~~ to retail licensees and to brewers, class 1  
7       brewers, and class 2 brewers that, pursuant to subsection  
8       (e) of Section 6-4 of this Act, sell beer, cider, mead, or  
9       any combination thereof ~~or both beer and cider~~ to  
10      non-licensees at their breweries.

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

21       (C) Any application submitted shall be posted on the  
22      State Commission's website at least 45 days prior to action  
23      by the State Commission. The State Commission shall approve  
24      the application for a self-distribution exemption if the  
25      class 1 brewer licensee: (1) is in compliance with the  
26      State, revenue, and alcoholic beverage laws; (2) is not a

1 member of any affiliated group that manufactures more than  
2 930,000 gallons of beer per annum or produces any other  
3 alcoholic beverages; (3) shall not annually manufacture  
4 for sale more than 930,000 gallons of beer; (4) shall not  
5 annually sell more than 232,500 gallons of its beer to  
6 retail licensees or to brewers, class 1 brewers, and class  
7 2 brewers that, pursuant to subsection (e) of Section 6-4  
8 of this Act, sell beer, cider, mead, or any combination  
9 thereof ~~or both beer and cider~~ to non-licensees at their  
10 breweries; and (5) has relinquished any brew pub license  
11 held by the licensee, including any ownership interest it  
12 held in the licensed brew pub.

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

26 (E) The State Commission shall issue rules and



1 regulations governing self-distribution exemptions  
2 consistent with this Act.

3 (F) Nothing in this paragraph (18) shall prohibit a  
4 self-distribution exemption holder from entering into or  
5 simultaneously having a distribution agreement with a  
6 licensed Illinois importing distributor or a distributor.  
7 If a self-distribution exemption holder enters into a  
8 distribution agreement and has assigned distribution  
9 rights to an importing distributor or distributor, then the  
10 self-distribution exemption holder's distribution rights  
11 in the assigned territories shall cease in a reasonable  
12 time not to exceed 60 days.

13 (G) It is the intent of this paragraph (18) to promote  
14 and continue orderly markets. The General Assembly finds  
15 that in order to preserve Illinois' regulatory  
16 distribution system, it is necessary to create an exception  
17 for smaller manufacturers in order to afford and allow such  
18 smaller manufacturers of beer access to the marketplace in  
19 order to develop a customer base without impairing the  
20 integrity of the 3-tier system.

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

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

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

23 (D) A self-distribution exemption holder shall  
24 annually certify to the State Commission its manufacture of  
25 spirits during the previous 12 months and its anticipated  
26 manufacture and sales of spirits for the next 12 months.

1           The State Commission may fine, suspend, or revoke a  
2           self-distribution exemption after a hearing if it finds  
3           that the exemption holder has made a material  
4           misrepresentation in its application, violated a revenue  
5           or alcoholic beverage law of Illinois, exceeded the  
6           manufacture of 50,000 gallons of spirits in any calendar  
7           year, or has become part of an affiliated group  
8           manufacturing more than 50,000 gallons of spirits or any  
9           other alcoholic beverage.

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

12           (F) Nothing in this paragraph (19) shall prohibit a  
13           self-distribution exemption holder from entering into or  
14           simultaneously having a distribution agreement with a  
15           licensed Illinois importing distributor or a distributor.

16           (G) It is the intent of this paragraph (19) to promote  
17           and continue orderly markets. The General Assembly finds  
18           that in order to preserve Illinois' regulatory  
19           distribution system, it is necessary to create an exception  
20           for smaller manufacturers in order to afford and allow such  
21           smaller manufacturers of spirits access to the marketplace  
22           in order to develop a customer base without impairing the  
23           integrity of the 3-tier system.

24           (b) On or before April 30, 1999, the Commission shall  
25           present a written report to the Governor and the General  
26           Assembly that shall be based on a study of the impact of Public

1 Act 90-739 on the business of soliciting, selling, and shipping  
2 alcoholic liquor from outside of this State directly to  
3 residents of this State.

4 As part of its report, the Commission shall provide the  
5 following information:

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

8 (ii) the amount of licensing fees received as a result  
9 of Public Act 90-739;

10 (iii) the number of reported violations, the number of  
11 cease and desist notices issued by the Commission, the  
12 number of notices of violations issued to the Department of  
13 Revenue, and the number of notices and complaints of  
14 violations to law enforcement officials.

15 (Source: P.A. 100-134, eff. 8-18-17; 100-201, eff. 8-18-17;  
16 100-816, eff. 8-13-18; 100-1012, eff. 8-21-18; 100-1050, eff.  
17 8-23-18; 101-37, eff. 7-3-19; 101-81, eff. 7-12-19; 101-482,  
18 eff. 8-23-19; revised 9-20-19.)

19 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

22 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
23 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
24 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
25 First Class Winemaker, Class 7. Second Class Winemaker, Class

1 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class  
2 10. Class 1 Craft Distiller, Class 11. Class 2 Craft Distiller,  
3 Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,

4 (b) Distributor's license,

5 (c) Importing Distributor's license,

6 (d) Retailer's license,

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

8 (f) Railroad license,

9 (g) Boat license,

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

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

12 (j) Airplane license,

13 (k) Foreign importer's license,

14 (l) Broker's license,

15 (m) Non-resident dealer's license,

16 (n) Brew Pub license,

17 (o) Auction liquor license,

18 (p) Caterer retailer license,

19 (q) Special use permit license,

20 (r) Winery shipper's license,

21 (s) Craft distiller tasting permit,

22 (t) Brewer warehouse permit,

23 (u) Distilling pub license,

24 (v) Craft distiller warehouse permit.

25 No person, firm, partnership, corporation, or other legal  
26 business entity that is engaged in the manufacturing of wine

1 may concurrently obtain and hold a wine-maker's license and a  
2 wine manufacturer's license.

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

7 Class 1. A Distiller may make sales and deliveries of  
8 alcoholic liquor to distillers, rectifiers, importing  
9 distributors, distributors and non-beverage users and to no  
10 other licensees.

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

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

18 Class 4. A first class wine-manufacturer may make sales and  
19 deliveries of up to 50,000 gallons of wine to manufacturers,  
20 importing distributors and distributors, and to no other  
21 licensees.

22 Class 5. A second class Wine manufacturer may make sales  
23 and deliveries of more than 50,000 gallons of wine to  
24 manufacturers, importing distributors and distributors and to  
25 no other licensees.

26 Class 6. A first-class wine-maker's license shall allow the

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

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

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

24 Class 9. A craft distiller license, which may only be held  
25 by a class 1 craft distiller licensee or class 2 craft  
26 distiller licensee but not held by both a class 1 craft

1 distiller licensee and a class 2 craft distiller licensee,  
2 shall grant all rights conveyed by either: (i) a class 1 craft  
3 distiller license if the craft distiller holds a class 1 craft  
4 distiller license; or (ii) a class 2 craft distiller licensee  
5 if the craft distiller holds a class 2 craft distiller license.

6 Class 10. A class 1 craft distiller license, which may only  
7 be issued to a licensed craft distiller or licensed  
8 non-resident dealer, shall allow the manufacture of up to  
9 50,000 gallons of spirits per year provided that the class 1  
10 craft distiller licensee does not manufacture more than a  
11 combined 50,000 gallons of spirits per year and is not a member  
12 of or affiliated with, directly or indirectly, a manufacturer  
13 that produces more than 50,000 gallons of spirits per year or  
14 any other alcoholic liquor. A class 1 craft distiller licensee  
15 may make sales and deliveries to importing distributors and  
16 distributors and to retail licensees in accordance with the  
17 conditions set forth in paragraph (19) of subsection (a) of  
18 Section 3-12 of this Act. However, the aggregate amount of  
19 spirits sold to non-licensees and sold or delivered to retail  
20 licensees may not exceed 5,000 gallons per year.

21 A class 1 craft distiller licensee may sell up to 5,000  
22 gallons of such spirits to non-licensees to the extent  
23 permitted by any exemption approved by the State Commission  
24 pursuant to Section 6-4 of this Act. A class 1 craft distiller  
25 license holder may store such spirits at a non-contiguous  
26 licensed location, but at no time shall a class 1 craft



1 distiller license holder directly or indirectly produce in the  
2 aggregate more than 50,000 gallons of spirits per year.

3 A class 1 craft distiller licensee may hold more than one  
4 class 1 craft distiller's license. However, a class 1 craft  
5 distiller that holds more than one class 1 craft distiller  
6 license shall not manufacture, in the aggregate, more than  
7 50,000 gallons of spirits by distillation per year and shall  
8 not sell, in the aggregate, more than 5,000 gallons of such  
9 spirits to non-licensees in accordance with an exemption  
10 approved by the State Commission pursuant to Section 6-4 of  
11 this Act.

12 Class 11. A class 2 craft distiller license, which may only  
13 be issued to a licensed craft distiller or licensed  
14 non-resident dealer, shall allow the manufacture of up to  
15 100,000 gallons of spirits per year provided that the class 2  
16 craft distiller licensee does not manufacture more than a  
17 combined 100,000 gallons of spirits per year and is not a  
18 member of or affiliated with, directly or indirectly, a  
19 manufacturer that produces more than 100,000 gallons of spirits  
20 per year or any other alcoholic liquor. A class 2 craft  
21 distiller licensee may make sales and deliveries to importing  
22 distributors and distributors, but shall not make sales or  
23 deliveries to any other licensee. If the State Commission  
24 provides prior approval, a class 2 craft distiller licensee may  
25 annually transfer up to 100,000 gallons of spirits manufactured  
26 by that class 2 craft distiller licensee to the premises of a

1 licensed class 2 craft distiller wholly owned and operated by  
2 the same licensee. A class 2 craft distiller may transfer  
3 spirits to a distilling pub wholly owned and operated by the  
4 class 2 craft distiller subject to the following limitations  
5 and restrictions: (i) the transfer shall not annually exceed  
6 more than 5,000 gallons; (ii) the annual amount transferred  
7 shall reduce the distilling pub's annual permitted production  
8 limit; (iii) all spirits transferred shall be subject to  
9 Article VIII of this Act; (iv) a written record shall be  
10 maintained by the distiller and distilling pub specifying the  
11 amount, date of delivery, and receipt of the product by the  
12 distilling pub; and (v) the distilling pub shall be located no  
13 farther than 80 miles from the class 2 craft distiller's  
14 licensed location.

15 A class 2 craft distiller shall, prior to transferring  
16 spirits to a distilling pub wholly owned by the class 2 craft  
17 distiller, furnish a written notice to the State Commission of  
18 intent to transfer spirits setting forth the name and address  
19 of the distilling pub and shall annually submit to the State  
20 Commission a verified report identifying the total gallons of  
21 spirits transferred to the distilling pub wholly owned by the  
22 class 2 craft distiller.

23 A class 2 craft distiller license holder may store such  
24 spirits at a non-contiguous licensed location, but at no time  
25 shall a class 2 craft distiller license holder directly or  
26 indirectly produce in the aggregate more than 100,000 gallons

1 of spirits per year.

2 Class 12. A class 1 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 930,000 gallons of beer  
5 per year provided that the class 1 brewer licensee does not  
6 manufacture more than a combined 930,000 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 930,000  
9 gallons of beer per year or any other alcoholic liquor. A class  
10 1 brewer licensee may make sales and deliveries to importing  
11 distributors and distributors and to retail licensees in  
12 accordance with the conditions set forth in paragraph (18) of  
13 subsection (a) of Section 3-12 of this Act. If the State  
14 Commission provides prior approval, a class 1 brewer may  
15 annually transfer up to 930,000 gallons of beer manufactured by  
16 that class 1 brewer to the premises of a licensed class 1  
17 brewer wholly owned and operated by the same licensee.

18 Class 13. A class 2 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 3,720,000 gallons of beer  
21 per year provided that the class 2 brewer licensee does not  
22 manufacture more than a combined 3,720,000 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 3,720,000  
25 gallons of beer per year or any other alcoholic liquor. A class  
26 2 brewer licensee may make sales and deliveries to importing

1 distributors and distributors, but shall not make sales or  
2 deliveries to any other licensee. If the State Commission  
3 provides prior approval, a class 2 brewer licensee may annually  
4 transfer up to 3,720,000 gallons of beer manufactured by that  
5 class 2 brewer licensee to the premises of a licensed class 2  
6 brewer wholly owned and operated by the same licensee.

7 A class 2 brewer may transfer beer to a brew pub wholly  
8 owned and operated by the class 2 brewer subject to the  
9 following limitations and restrictions: (i) the transfer shall  
10 not annually exceed more than 31,000 gallons; (ii) the annual  
11 amount transferred shall reduce the brew pub's annual permitted  
12 production limit; (iii) all beer transferred shall be subject  
13 to Article VIII of this Act; (iv) a written record shall be  
14 maintained by the brewer and brew pub specifying the amount,  
15 date of delivery, and receipt of the product by the brew pub;  
16 and (v) the brew pub shall be located no farther than 80 miles  
17 from the class 2 brewer's licensed location.

18 A class 2 brewer shall, prior to transferring beer to a  
19 brew pub wholly owned by the class 2 brewer, furnish a written  
20 notice to the State Commission of intent to transfer beer  
21 setting forth the name and address of the brew pub and shall  
22 annually submit to the State Commission a verified report  
23 identifying the total gallons of beer transferred to the brew  
24 pub wholly owned by the class 2 brewer.

25 (a-1) A manufacturer which is licensed in this State to  
26 make sales or deliveries of alcoholic liquor to licensed

1 distributors or importing distributors and which enlists  
2 agents, representatives, or individuals acting on its behalf  
3 who contact licensed retailers on a regular and continual basis  
4 in this State must register those agents, representatives, or  
5 persons acting on its behalf with the State Commission.

6 Registration of agents, representatives, or persons acting  
7 on behalf of a manufacturer is fulfilled by submitting a form  
8 to the Commission. The form shall be developed by the  
9 Commission and shall include the name and address of the  
10 applicant, the name and address of the manufacturer he or she  
11 represents, the territory or areas assigned to sell to or  
12 discuss pricing terms of alcoholic liquor, and any other  
13 questions deemed appropriate and necessary. All statements in  
14 the forms required to be made by law or by rule shall be deemed  
15 material, and any person who knowingly misstates any material  
16 fact under oath in an application is guilty of a Class B  
17 misdemeanor. Fraud, misrepresentation, false statements,  
18 misleading statements, evasions, or suppression of material  
19 facts in the securing of a registration are grounds for  
20 suspension or revocation of the registration. The State  
21 Commission shall post a list of registered agents on the  
22 Commission's website.

23 (b) A distributor's license shall allow (i) the wholesale  
24 purchase and storage of alcoholic liquors and sale of alcoholic  
25 liquors to licensees in this State and to persons without the  
26 State, as may be permitted by law; (ii) the sale of beer,

1 cider, mead, or any combination thereof ~~or both beer and cider~~  
2 to brewers, class 1 brewers, and class 2 brewers that, pursuant  
3 to subsection (e) of Section 6-4 of this Act, sell beer, cider,  
4 mead, or any combination thereof ~~or both beer and cider~~ to  
5 non-licensees at their breweries; and (iii) the sale of  
6 vermouth to class 1 craft distillers and class 2 craft  
7 distillers that, pursuant to subsection (e) of Section 6-4 of  
8 this Act, sell spirits, vermouth, or both spirits and vermouth  
9 to non-licensees at their distilleries. No person licensed as a  
10 distributor shall be granted a non-resident dealer's license.

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

1 dealers and foreign importers only. No person licensed as an  
2 importing distributor shall be granted a non-resident dealer's  
3 license.

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

20 Notwithstanding any other provision of this subsection  
21 (d), a retail licensee may sell alcoholic liquors to a special  
22 event retailer licensee for resale to the extent permitted  
23 under subsection (e).

24 (e) A special event retailer's license (not-for-profit)  
25 shall permit the licensee to purchase alcoholic liquors from an  
26 Illinois licensed distributor (unless the licensee purchases

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



1           Nothing in this Act prohibits an Illinois licensed  
2 distributor from offering credit or a refund for unused,  
3 salable alcoholic liquors to a holder of a special event  
4 retailer's license or the special event retailer's licensee  
5 from accepting the credit or refund of alcoholic liquors at the  
6 conclusion of the event specified in the license.

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

1 each car in which such sales are made.

2 (g) A boat license shall allow the sale of alcoholic liquor  
3 in individual drinks, on any passenger boat regularly operated  
4 as a common carrier on navigable waters in this State or on any  
5 riverboat operated under the Illinois Gambling Act, which boat  
6 or riverboat maintains a public dining room or restaurant  
7 thereon.

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

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

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

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

25 (j) An airplane license shall permit the licensee to import  
26 alcoholic liquors into this State from any point in the United

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

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

1 licensees during the license period, (ii) the foreign importer  
2 complies with all of the provisions of Section 6-9 of this Act  
3 with respect to registration of such Illinois licensees as may  
4 be granted the right to sell such brands at wholesale, and  
5 (iii) the foreign importer complies with the provisions of  
6 Sections 6-5 and 6-6 of this Act to the same extent that these  
7 provisions apply to manufacturers.

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

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

23 The broker shall, upon the acceptance by a retailer of the  
24 broker's solicitation of an order or offer to sell or supply or  
25 deliver or have delivered alcoholic liquors, promptly forward  
26 to the Illinois Liquor Control Commission a notification of

1 said transaction in such form as the Commission may by  
2 regulations prescribe.

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

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

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

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

25 (m) A non-resident dealer's license shall permit such  
26 licensee to ship into and warehouse alcoholic liquor into this

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

18 (n) A brew pub license shall allow the licensee to only (i)  
19 manufacture up to 155,000 gallons of beer per year only on the  
20 premises specified in the license, (ii) make sales of the beer  
21 manufactured on the premises or, with the approval of the  
22 Commission, beer manufactured on another brew pub licensed  
23 premises that is wholly owned and operated by the same licensee  
24 to importing distributors, distributors, and to non-licensees  
25 for use and consumption, (iii) store the beer upon the  
26 premises, (iv) sell and offer for sale at retail from the

1 licensed premises for off-premises consumption no more than  
2 155,000 gallons per year so long as such sales are only made  
3 in-person, (v) sell and offer for sale at retail for use and  
4 consumption on the premises specified in the license any form  
5 of alcoholic liquor purchased from a licensed distributor or  
6 importing distributor, (vi) with the prior approval of the  
7 Commission, annually transfer no more than 155,000 gallons of  
8 beer manufactured on the premises to a licensed brew pub wholly  
9 owned and operated by the same licensee, and (vii)  
10 notwithstanding item (i) of this subsection, brew pubs wholly  
11 owned and operated by the same licensee may combine each  
12 location's production limit of 155,000 gallons of beer per year  
13 and allocate the aggregate total between the wholly owned,  
14 operated, and licensed locations.

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

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



1 3,720,000 gallons of beer per year or any other alcoholic  
2 liquor.

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

16 (o) A caterer retailer license shall allow the holder to  
17 serve alcoholic liquors as an incidental part of a food service  
18 that serves prepared meals which excludes the serving of snacks  
19 as the primary meal, either on or off-site whether licensed or  
20 unlicensed. A caterer retailer license shall allow the holder,  
21 a distributor, or an importing distributor to transfer any  
22 inventory to and from the holder's retail premises and shall  
23 allow the holder to purchase alcoholic liquor from a  
24 distributor or importing distributor to be delivered directly  
25 to an off-site event.

26 Nothing in this Act prohibits a distributor or importing

1 distributor from offering credit or a refund for unused,  
2 salable beer to a holder of a caterer retailer license or a  
3 caterer retailer licensee from accepting a credit or refund for  
4 unused, salable beer, in the event an act of God is the sole  
5 reason an off-site event is cancelled and if: (i) the holder of  
6 a caterer retailer license has not transferred alcoholic liquor  
7 from its caterer retailer premises to an off-site location;  
8 (ii) the distributor or importing distributor offers the credit  
9 or refund for the unused, salable beer that it delivered to the  
10 off-site premises and not for any unused, salable beer that the  
11 distributor or importing distributor delivered to the caterer  
12 retailer's premises; and (iii) the unused, salable beer would  
13 likely spoil if transferred to the caterer retailer's premises.  
14 A caterer retailer license shall allow the holder to transfer  
15 any inventory from any off-site location to its caterer  
16 retailer premises at the conclusion of an off-site event or  
17 engage a distributor or importing distributor to transfer any  
18 inventory from any off-site location to its caterer retailer  
19 premises at the conclusion of an off-site event, provided that  
20 the distributor or importing distributor issues bona fide  
21 charges to the caterer retailer licensee for fuel, labor, and  
22 delivery and the distributor or importing distributor collects  
23 payment from the caterer retailer licensee prior to the  
24 distributor or importing distributor transferring inventory to  
25 the caterer retailer premises.

26 For purposes of this subsection (o), an "act of God" means

1 an unforeseeable event, such as a rain or snow storm, hail, a  
2 flood, or a similar event, that is the sole cause of the  
3 cancellation of an off-site, outdoor event.

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

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

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

3 A special use permit license shall allow the holder to  
4 transfer any inventory from the holder's special use premises  
5 to its retail premises at the conclusion of the special use  
6 event or engage a distributor or importing distributor to  
7 transfer any inventory from the holder's special use premises  
8 to its retail premises at the conclusion of an off-site event,  
9 provided that the distributor or importing distributor issues  
10 bona fide charges to the special use permit licensee for fuel,  
11 labor, and delivery and the distributor or importing  
12 distributor collects payment from the retail licensee prior to  
13 the distributor or importing distributor transferring  
14 inventory to the retail premises.

15 Nothing in this Act prohibits a distributor or importing  
16 distributor from offering credit or a refund for unused,  
17 salable beer to a special use permit licensee or a special use  
18 permit licensee from accepting a credit or refund for unused,  
19 salable beer at the conclusion of the event specified in the  
20 license if: (i) the holder of the special use permit license  
21 has not transferred alcoholic liquor from its retail licensed  
22 premises to the premises specified in the special use permit  
23 license; (ii) the distributor or importing distributor offers  
24 the credit or refund for the unused, salable beer that it  
25 delivered to the premises specified in the special use permit  
26 license and not for any unused, salable beer that the

1 distributor or importing distributor delivered to the  
2 retailer's premises; and (iii) the unused, salable beer would  
3 likely spoil if transferred to the retailer premises.

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

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

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

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

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

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

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

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

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

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

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



1 Retailers' Occupation Tax Act for all wine that is sold by the  
2 winery shipper and shipped to persons in this State, the winery  
3 shipper's license shall be revoked in accordance with the  
4 provisions of Article VII of this Act.

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

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

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

19 (s) A craft distiller tasting permit license shall allow an  
20 Illinois licensed class 1 craft distiller or class 2 craft  
21 distiller to transfer a portion of its alcoholic liquor  
22 inventory from its class 1 craft distiller or class 2 craft  
23 distiller licensed premises to the premises specified in the  
24 license hereby created and to conduct a sampling, only in the  
25 premises specified in the license hereby created, of the  
26 transferred alcoholic liquor in accordance with subsection (c)

1 of Section 6-31 of this Act. The transferred alcoholic liquor  
2 may not be sold or resold in any form. An applicant for the  
3 craft distiller tasting permit license must also submit with  
4 the application proof satisfactory to the State Commission that  
5 the applicant will provide dram shop liability insurance to the  
6 maximum limits and have local authority approval.

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

19 (u) A distilling pub license shall allow the licensee to  
20 only (i) manufacture up to 5,000 gallons of spirits per year  
21 only on the premises specified in the license, (ii) make sales  
22 of the spirits manufactured on the premises or, with the  
23 approval of the State Commission, spirits manufactured on  
24 another distilling pub licensed premises that is wholly owned  
25 and operated by the same licensee to importing distributors and  
26 distributors and to non-licensees for use and consumption,

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

12 A distilling pub licensee shall not under any circumstance  
13 sell or offer for sale spirits manufactured by the distilling  
14 pub licensee to retail licensees.

15 A person who holds a class 2 craft distiller license may  
16 simultaneously hold a distilling pub license if the class 2  
17 craft distiller (i) does not, under any circumstance, sell or  
18 offer for sale spirits manufactured by the class 2 craft  
19 distiller to retail licensees; (ii) does not hold more than 3  
20 distilling pub licenses in this State; (iii) does not  
21 manufacture more than a combined 100,000 gallons of spirits per  
22 year, including the spirits manufactured at the distilling pub;  
23 and (iv) is not a member of or affiliated with, directly or  
24 indirectly, a manufacturer that produces more than 100,000  
25 gallons of spirits per year or any other alcoholic liquor.

26 (v) A craft distiller warehouse permit may be issued to the

1 holder of a class 1 craft distiller or class 2 craft distiller  
2 license. The craft distiller warehouse permit shall allow the  
3 holder to store or warehouse up to 500,000 gallons of spirits  
4 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 craft distiller warehouse  
7 permit.

8 (Source: P.A. 100-17, eff. 6-30-17; 100-201, eff. 8-18-17;  
9 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff.  
10 8-23-18; 101-16, eff. 6-14-19; 101-31, eff. 6-28-19; 101-81,  
11 eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff. 8-23-19;  
12 101-615, eff. 12-20-19.)

13 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

14 Sec. 6-4. (a) No person licensed by any licensing authority  
15 as a distiller, or a wine manufacturer, or any subsidiary or  
16 affiliate thereof, or any officer, associate, member, partner,  
17 representative, employee, agent or shareholder owning more  
18 than 5% of the outstanding shares of such person shall be  
19 issued an importing distributor's or distributor's license,  
20 nor shall any person licensed by any licensing authority as an  
21 importing distributor, distributor or retailer, or any  
22 subsidiary or affiliate thereof, or any officer or associate,  
23 member, partner, representative, employee, agent or  
24 shareholder owning more than 5% of the outstanding shares of  
25 such person be issued a distiller's license, a craft

1 distiller's license, or a wine manufacturer's license; and no  
2 person or persons licensed as a distiller, craft distiller,  
3 class 1 craft distiller, or class 2 craft distiller by any  
4 licensing authority shall have any interest, directly or  
5 indirectly, with such distributor or importing distributor.

6 However, an importing distributor or distributor, which on  
7 January 1, 1985 is owned by a brewer, or any subsidiary or  
8 affiliate thereof or any officer, associate, member, partner,  
9 representative, employee, agent or shareholder owning more  
10 than 5% of the outstanding shares of the importing distributor  
11 or distributor referred to in this paragraph, may own or  
12 acquire an ownership interest of more than 5% of the  
13 outstanding shares of a wine manufacturer and be issued a wine  
14 manufacturer's license by any licensing authority.

15 (b) The foregoing provisions shall not apply to any person  
16 licensed by any licensing authority as a distiller or wine  
17 manufacturer, or to any subsidiary or affiliate of any  
18 distiller or wine manufacturer who shall have been heretofore  
19 licensed by the State Commission as either an importing  
20 distributor or distributor during the annual licensing period  
21 expiring June 30, 1947, and shall actually have made sales  
22 regularly to retailers.

23 (c) Provided, however, that in such instances where a  
24 distributor's or importing distributor's license has been  
25 issued to any distiller or wine manufacturer or to any  
26 subsidiary or affiliate of any distiller or wine manufacturer

1 who has, during the licensing period ending June 30, 1947, sold  
2 or distributed as such licensed distributor or importing  
3 distributor alcoholic liquors and wines to retailers, such  
4 distiller or wine manufacturer or any subsidiary or affiliate  
5 of any distiller or wine manufacturer holding such  
6 distributor's or importing distributor's license may continue  
7 to sell or distribute to retailers such alcoholic liquors and  
8 wines which are manufactured, distilled, processed or marketed  
9 by distillers and wine manufacturers whose products it sold or  
10 distributed to retailers during the whole or any part of its  
11 licensing periods; and such additional brands and additional  
12 products may be added to the line of such distributor or  
13 importing distributor, provided, that such brands and such  
14 products were not sold or distributed by any distributor or  
15 importing distributor licensed by the State Commission during  
16 the licensing period ending June 30, 1947, but can not sell or  
17 distribute to retailers any other alcoholic liquors or wines.

18 (d) It shall be unlawful for any distiller licensed  
19 anywhere to have any stock ownership or interest in any  
20 distributor's or importing distributor's license wherein any  
21 other person has an interest therein who is not a distiller and  
22 does not own more than 5% of any stock in any distillery.  
23 Nothing herein contained shall apply to such distillers or  
24 their subsidiaries or affiliates, who had a distributor's or  
25 importing distributor's license during the licensing period  
26 ending June 30, 1947, which license was owned in whole by such

1 distiller, or subsidiaries or affiliates of such distiller.

2 (e) Any person licensed as a brewer, class 1 brewer, or  
3 class 2 brewer shall be permitted to sell on the licensed  
4 premises to non-licensees for on or off-premises consumption  
5 for the premises in which he or she actually conducts such  
6 business: (i) beer manufactured by the brewer, class 1 brewer,  
7 or class 2 brewer; (ii) beer manufactured by any other brewer,  
8 class 1 brewer, or class 2 brewer; and (iii) cider or mead.  
9 Such sales shall be limited to on-premises, in-person sales  
10 only, for lawful consumption on or off premises. Such  
11 authorization shall be considered a privilege granted by the  
12 brewer license and, other than a manufacturer of beer as stated  
13 above, no manufacturer or distributor or importing  
14 distributor, excluding airplane licensees exercising powers  
15 provided in paragraph (i) of Section 5-1 of this Act, or any  
16 subsidiary or affiliate thereof, or any officer, associate,  
17 member, partner, representative, employee or agent, or  
18 shareholder shall be issued a retailer's license, nor shall any  
19 person having a retailer's license, excluding airplane  
20 licensees exercising powers provided in paragraph (i) of  
21 Section 5-1 of this Act, or any subsidiary or affiliate  
22 thereof, or any officer, associate, member, partner,  
23 representative or agent, or shareholder be issued a  
24 manufacturer's license or importing distributor's license.

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

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

8           A person licensed as a class 1 craft distiller or a class 2  
9 craft distiller, including a person who holds more than one  
10 class 1 craft distiller or class 2 craft distiller license, not  
11 affiliated with any other person manufacturing spirits may be  
12 authorized by the State Commission to sell (1) up to 5,000  
13 gallons of spirits produced by the person to non-licensees for  
14 on or off-premises consumption for the premises in which he or  
15 she actually conducts business permitting only the retail sale  
16 of spirits manufactured at such premises and (2) vermouth  
17 purchased through a licensed distributor for on-premises  
18 consumption. Such sales shall be limited to on-premises,  
19 in-person sales only, for lawful consumption on or off  
20 premises, and such authorization shall be considered a  
21 privilege granted by the class 1 craft distiller or class 2  
22 craft distiller license. A class 1 craft distiller or class 2  
23 craft distiller licensed for retail sale shall secure liquor  
24 liability insurance coverage in an amount at least equal to the  
25 maximum liability amounts set forth in subsection (a) of  
26 Section 6-21 of this Act.



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

14           A person who holds a class 1 craft distiller or class 2  
15 craft distiller license and is authorized by this Section to  
16 sell spirits to non-licensees shall not sell spirits to  
17 non-licensees from more than 3 total distillery or commonly  
18 owned distilling pub licensed locations in this State. The  
19 class 1 craft distiller or class 2 craft distiller shall  
20 designate to the State Commission the distillery or distilling  
21 pub locations from which it will sell spirits to non-licensees.

22           (f) (Blank).

23           (g) Notwithstanding any of the foregoing prohibitions, a  
24 limited wine manufacturer may sell at retail at its  
25 manufacturing site for on or off premises consumption and may  
26 sell to distributors. A limited wine manufacturer licensee

1 shall secure liquor liability insurance coverage in an amount  
2 at least equal to the maximum liability amounts set forth in  
3 subsection (a) of Section 6-21 of this Act.

4 (h) The changes made to this Section by Public Act 99-47  
5 shall not diminish or impair the rights of any person, whether  
6 a distiller, wine manufacturer, agent, or affiliate thereof,  
7 who requested in writing and submitted documentation to the  
8 State Commission on or before February 18, 2015 to be approved  
9 for a retail license pursuant to what has heretofore been  
10 subsection (f); provided that, on or before that date, the  
11 State Commission considered the intent of that person to apply  
12 for the retail license under that subsection and, by recorded  
13 vote, the State Commission approved a resolution indicating  
14 that such a license application could be lawfully approved upon  
15 that person duly filing a formal application for a retail  
16 license and if that person, within 90 days of the State  
17 Commission appearance and recorded vote, first filed an  
18 application with the appropriate local commission, which  
19 application was subsequently approved by the appropriate local  
20 commission prior to consideration by the State Commission of  
21 that person's application for a retail license. It is further  
22 provided that the State Commission may approve the person's  
23 application for a retail license or renewals of such license if  
24 such person continues to diligently adhere to all  
25 representations made in writing to the State Commission on or  
26 before February 18, 2015, or thereafter, or in the affidavit

1 filed by that person with the State Commission to support the  
2 issuance of a retail license and to abide by all applicable  
3 laws and duly adopted rules.

4 (Source: P.A. 100-201, eff. 8-18-17; 100-816, eff. 8-13-18;  
5 100-885, eff. 8-14-18; 101-81, eff. 7-12-19; 101-482, eff.  
6 8-23-19; 101-615, eff. 12-20-19.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.