



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4069

Introduced 4/23/2021, by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

235 ILCS 5/5-1 from Ch. 43, par. 115
235 ILCS 5/6-9.2 new

Amends the Liquor Control Act of 1934. Provides that if an on-premises retail licensee's stock of a certain type of alcoholic liquor product is exhausted, that product is a spirit, and the delivery of that product is not within the distributor's delivery schedule, the on-premises retail licensee may make emergency purchases of not more than 6 liters of that type of product for resale from an off-premises retail licensee per month. Provides that the on-premises retail licensee shall pay an annual registration fee of \$25 to the State Commission, which shall be a waiver of any penalty, fine, or fee that would otherwise be incurred if a retail licensee purchased alcoholic liquor products from another retail licensee. Provides recordkeeping requirements. Makes a conforming change.

LRB102 18182 RPS 25746 b

FISCAL NOTE ACT
MAY APPLY

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 Section 5-1 and by adding Section 6-9.2 as follows:

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

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

- 9 (a) Manufacturer's license - Class 1. Distiller, Class 2.
10 Rectifier, Class 3. Brewer, Class 4. First Class Wine
11 Manufacturer, Class 5. Second Class Wine Manufacturer, Class
12 6. First Class Winemaker, Class 7. Second Class Winemaker,
13 Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller,
14 Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft
15 Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,
16 (b) Distributor's license,
17 (c) Importing Distributor's license,
18 (d) Retailer's license,
19 (e) Special Event Retailer's license (not-for-profit),
20 (f) Railroad license,
21 (g) Boat license,
22 (h) Non-Beverage User's license,
23 (i) Wine-maker's premises license,

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

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

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

22 Class 1. A Distiller may make sales and deliveries of
23 alcoholic liquor to distillers, rectifiers, importing
24 distributors, distributors and non-beverage users and to no
25 other licensees.

26 Class 2. A Rectifier, who is not a distiller, as defined

1 herein, may make sales and deliveries of alcoholic liquor to
2 rectifiers, importing distributors, distributors, retailers
3 and non-beverage users and to no other licensees.

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

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

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

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

25 Class 7. A second-class wine-maker's license shall allow
26 the manufacture of between 50,000 and 150,000 gallons of wine

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

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

13 Class 9. A craft distiller license, which may only be held
14 by a class 1 craft distiller licensee or class 2 craft
15 distiller licensee but not held by both a class 1 craft
16 distiller licensee and a class 2 craft distiller licensee,
17 shall grant all rights conveyed by either: (i) a class 1 craft
18 distiller license if the craft distiller holds a class 1 craft
19 distiller license; or (ii) a class 2 craft distiller licensee
20 if the craft distiller holds a class 2 craft distiller
21 license.

22 Class 10. A class 1 craft distiller license, which may
23 only be issued to a licensed craft distiller or licensed
24 non-resident dealer, shall allow the manufacture of up to
25 50,000 gallons of spirits per year provided that the class 1
26 craft distiller licensee does not manufacture more than a

1 combined 50,000 gallons of spirits per year and is not a member
2 of or affiliated with, directly or indirectly, a manufacturer
3 that produces more than 50,000 gallons of spirits per year or
4 any other alcoholic liquor. A class 1 craft distiller licensee
5 may make sales and deliveries to importing distributors and
6 distributors and to retail licensees in accordance with the
7 conditions set forth in paragraph (19) of subsection (a) of
8 Section 3-12 of this Act. However, the aggregate amount of
9 spirits sold to non-licensees and sold or delivered to retail
10 licensees may not exceed 5,000 gallons per year.

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

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

1 this Act.

2 Class 11. A class 2 craft distiller license, which may
3 only be issued to a licensed craft distiller or licensed
4 non-resident dealer, shall allow the manufacture of up to
5 100,000 gallons of spirits per year provided that the class 2
6 craft distiller licensee does not manufacture more than a
7 combined 100,000 gallons of spirits per year and is not a
8 member of or affiliated with, directly or indirectly, a
9 manufacturer that produces more than 100,000 gallons of
10 spirits per year or any other alcoholic liquor. A class 2 craft
11 distiller licensee may make sales and deliveries to importing
12 distributors and distributors, but shall not make sales or
13 deliveries to any other licensee. If the State Commission
14 provides prior approval, a class 2 craft distiller licensee
15 may annually transfer up to 100,000 gallons of spirits
16 manufactured by that class 2 craft distiller licensee to the
17 premises of a licensed class 2 craft distiller wholly owned
18 and operated by the same licensee. A class 2 craft distiller
19 may transfer spirits to a distilling pub wholly owned and
20 operated by the class 2 craft distiller subject to the
21 following limitations and restrictions: (i) the transfer shall
22 not annually exceed more than 5,000 gallons; (ii) the annual
23 amount transferred shall reduce the distilling pub's annual
24 permitted production limit; (iii) all spirits transferred
25 shall be subject to Article VIII of this Act; (iv) a written
26 record shall be maintained by the distiller and distilling pub

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

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

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

18 Class 12. A class 1 brewer license, which may only be
19 issued to a licensed brewer or licensed non-resident dealer,
20 shall allow the manufacture of up to 930,000 gallons of beer
21 per year provided that the class 1 brewer licensee does not
22 manufacture more than a combined 930,000 gallons of beer per
23 year and is not a member of or affiliated with, directly or
24 indirectly, a manufacturer that produces more than 930,000
25 gallons of beer per year or any other alcoholic liquor. A class
26 1 brewer licensee may make sales and deliveries to importing

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

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

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

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

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

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

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

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

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

1 license.

2 (c) An importing distributor's license may be issued to
3 and held by those only who are duly licensed distributors,
4 upon the filing of an application by a duly licensed
5 distributor, with the Commission and the Commission shall,
6 without the payment of any fee, immediately issue such
7 importing distributor's license to the applicant, which shall
8 allow the importation of alcoholic liquor by the licensee into
9 this State from any point in the United States outside this
10 State, and the purchase of alcoholic liquor in barrels, casks
11 or other bulk containers and the bottling of such alcoholic
12 liquors before resale thereof, but all bottles or containers
13 so filled shall be sealed, labeled, stamped and otherwise made
14 to comply with all provisions, rules and regulations governing
15 manufacturers in the preparation and bottling of alcoholic
16 liquors. The importing distributor's license shall permit such
17 licensee to purchase alcoholic liquor from Illinois licensed
18 non-resident dealers and foreign importers only. No person
19 licensed as an importing distributor shall be granted a
20 non-resident dealer's license.

21 (d) A retailer's license shall allow the licensee to sell
22 and offer for sale at retail, only in the premises specified in
23 the license, alcoholic liquor for use or consumption, but not
24 for resale in any form except as provided in Section 6-9.2.
25 Nothing in Public Act 95-634 shall deny, limit, remove, or
26 restrict the ability of a holder of a retailer's license to

1 transfer, deliver, or ship alcoholic liquor to the purchaser
2 for use or consumption subject to any applicable local law or
3 ordinance. Any retail license issued to a manufacturer shall
4 only permit the manufacturer to sell beer at retail on the
5 premises actually occupied by the manufacturer. For the
6 purpose of further describing the type of business conducted
7 at a retail licensed premises, a retailer's licensee may be
8 designated by the State Commission as (i) an on premise
9 consumption retailer, (ii) an off premise sale retailer, or
10 (iii) a combined on premise consumption and off premise sale
11 retailer.

12 Notwithstanding any other provision of this subsection
13 (d), a retail licensee may sell alcoholic liquors to a special
14 event retailer licensee for resale to the extent permitted
15 under subsection (e).

16 (e) A special event retailer's license (not-for-profit)
17 shall permit the licensee to purchase alcoholic liquors from
18 an Illinois licensed distributor (unless the licensee
19 purchases less than \$500 of alcoholic liquors for the special
20 event, in which case the licensee may purchase the alcoholic
21 liquors from a licensed retailer) and shall allow the licensee
22 to sell and offer for sale, at retail, alcoholic liquors for
23 use or consumption, but not for resale in any form and only at
24 the location and on the specific dates designated for the
25 special event in the license. An applicant for a special event
26 retailer license must (i) furnish with the application: (A) a

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

20 Nothing in this Act prohibits an Illinois licensed
21 distributor from offering credit or a refund for unused,
22 salable alcoholic liquors to a holder of a special event
23 retailer's license or the special event retailer's licensee
24 from accepting the credit or refund of alcoholic liquors at
25 the conclusion of the event specified in the license.

26 (f) A railroad license shall permit the licensee to import

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

21 (g) A boat license shall allow the sale of alcoholic
22 liquor in individual drinks, on any passenger boat regularly
23 operated as a common carrier on navigable waters in this State
24 or on any riverboat operated under the Illinois Gambling Act,
25 which boat or riverboat maintains a public dining room or
26 restaurant thereon.

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

- 11 Class 1, not to exceed 500 gallons
- 12 Class 2, not to exceed 1,000 gallons
- 13 Class 3, not to exceed 5,000 gallons
- 14 Class 4, not to exceed 10,000 gallons
- 15 Class 5, not to exceed 50,000 gallons

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

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

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

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

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

1 Sections 6-5 and 6-6 of this Act to the same extent that these
2 provisions apply to manufacturers.

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

13 No holder of a retailer's license issued by the Illinois
14 Liquor Control Commission shall purchase or receive any
15 alcoholic liquor, the order for which was solicited or offered
16 for sale to such retailer by a broker unless the broker is the
17 holder of a valid broker's license.

18 The broker shall, upon the acceptance by a retailer of the
19 broker's solicitation of an order or offer to sell or supply or
20 deliver or have delivered alcoholic liquors, promptly forward
21 to the Illinois Liquor Control Commission a notification of
22 said transaction in such form as the Commission may by
23 regulations prescribe.

24 (ii) A broker's license shall be required of a person
25 within this State, other than a retail licensee, who, for a fee
26 or commission, promotes, solicits, or accepts orders for

1 alcoholic liquor, for use or consumption and not for resale,
2 to be shipped from this State and delivered to residents
3 outside of this State by an express company, common carrier,
4 or contract carrier. This Section does not apply to any person
5 who promotes, solicits, or accepts orders for wine as
6 specifically authorized in Section 6-29 of this Act.

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

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

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

20 (m) A non-resident dealer's license shall permit such
21 licensee to ship into and warehouse alcoholic liquor into this
22 State from any point outside of this State, and to sell such
23 alcoholic liquor to Illinois licensed foreign importers and
24 importing distributors and to no one else in this State;
25 provided that (i) said non-resident dealer shall register with
26 the Illinois Liquor Control Commission each and every brand of

1 alcoholic liquor which it proposes to sell to Illinois
2 licensees during the license period, (ii) it shall comply with
3 all of the provisions of Section 6-9 hereof with respect to
4 registration of such Illinois licensees as may be granted the
5 right to sell such brands at wholesale by duly filing such
6 registration statement, thereby authorizing the non-resident
7 dealer to proceed to sell such brands at wholesale, and (iii)
8 the non-resident dealer shall comply with the provisions of
9 Sections 6-5 and 6-6 of this Act to the same extent that these
10 provisions apply to manufacturers. No person licensed as a
11 non-resident dealer shall be granted a distributor's or
12 importing distributor's license.

13 (n) A brew pub license shall allow the licensee to only (i)
14 manufacture up to 155,000 gallons of beer per year only on the
15 premises specified in the license, (ii) make sales of the beer
16 manufactured on the premises or, with the approval of the
17 Commission, beer manufactured on another brew pub licensed
18 premises that is wholly owned and operated by the same
19 licensee to importing distributors, distributors, and to
20 non-licensees for use and consumption, (iii) store the beer
21 upon the premises, (iv) sell and offer for sale at retail from
22 the licensed premises for off-premises consumption no more
23 than 155,000 gallons per year so long as such sales are only
24 made in-person, (v) sell and offer for sale at retail for use
25 and consumption on the premises specified in the license any
26 form of alcoholic liquor purchased from a licensed distributor

1 or importing distributor, (vi) with the prior approval of the
2 Commission, annually transfer no more than 155,000 gallons of
3 beer manufactured on the premises to a licensed brew pub
4 wholly owned and operated by the same licensee, and (vii)
5 notwithstanding item (i) of this subsection, brew pubs wholly
6 owned and operated by the same licensee may combine each
7 location's production limit of 155,000 gallons of beer per
8 year and allocate the aggregate total between the wholly
9 owned, operated, and licensed locations.

10 A brew pub licensee shall not under any circumstance sell
11 or offer for sale beer manufactured by the brew pub licensee to
12 retail licensees.

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

24 Notwithstanding any other provision of this Act, a
25 licensed brewer, class 2 brewer, or non-resident dealer who
26 before July 1, 2015 manufactured less than 3,720,000 gallons

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

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

21 Nothing in this Act prohibits a distributor or importing
22 distributor from offering credit or a refund for unused,
23 salable beer to a holder of a caterer retailer license or a
24 caterer retailer licensee from accepting a credit or refund
25 for unused, salable beer, in the event an act of God is the
26 sole reason an off-site event is cancelled and if: (i) the

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

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

26 (p) An auction liquor license shall allow the licensee to

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

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

25 A special use permit license shall allow the holder to
26 transfer any inventory from the holder's special use premises

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

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

26 (r) A winery shipper's license shall allow a person with a

1 first-class or second-class wine manufacturer's license, a
2 first-class or second-class wine-maker's license, or a limited
3 wine manufacturer's license or who is licensed to make wine
4 under the laws of another state to ship wine made by that
5 licensee directly to a resident of this State who is 21 years
6 of age or older for that resident's personal use and not for
7 resale. Prior to receiving a winery shipper's license, an
8 applicant for the license must provide the Commission with a
9 true copy of its current license in any state in which it is
10 licensed as a manufacturer of wine. An applicant for a winery
11 shipper's license must also complete an application form that
12 provides any other information the Commission deems necessary.
13 The application form shall include all addresses from which
14 the applicant for a winery shipper's license intends to ship
15 wine, including the name and address of any third party,
16 except for a common carrier, authorized to ship wine on behalf
17 of the manufacturer. The application form shall include an
18 acknowledgement consenting to the jurisdiction of the
19 Commission, the Illinois Department of Revenue, and the courts
20 of this State concerning the enforcement of this Act and any
21 related laws, rules, and regulations, including authorizing
22 the Department of Revenue and the Commission to conduct audits
23 for the purpose of ensuring compliance with Public Act 95-634,
24 and an acknowledgement that the wine manufacturer is in
25 compliance with Section 6-2 of this Act. Any third party,
26 except for a common carrier, authorized to ship wine on behalf

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

15 Except for a common carrier, a third-party provider
16 shipping wine on behalf of a winery shipper's license holder
17 is the agent of the winery shipper's license holder and, as
18 such, a winery shipper's license holder is responsible for the
19 acts and omissions of the third-party provider acting on
20 behalf of the license holder. A third-party provider, except
21 for a common carrier, that engages in shipping wine into
22 Illinois on behalf of a winery shipper's license holder shall
23 consent to the jurisdiction of the State Commission and the
24 State. Any third-party, except for a common carrier, holding
25 such an appointment shall, by February 1 of each calendar year
26 and upon request by the State Commission or the Department of

1 Revenue, file with the State Commission a statement detailing
2 each shipment made to an Illinois resident. The statement
3 shall include the name and address of the third-party provider
4 filing the statement, the time period covered by the
5 statement, and the following information:

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

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

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

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

1 offense.

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

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

1 the provisions of Article VII of this Act.

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

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

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

17 (s) A craft distiller tasting permit license shall allow
18 an Illinois licensed class 1 craft distiller or class 2 craft
19 distiller to transfer a portion of its alcoholic liquor
20 inventory from its class 1 craft distiller or class 2 craft
21 distiller licensed premises to the premises specified in the
22 license hereby created and to conduct a sampling, only in the
23 premises specified in the license hereby created, of the
24 transferred alcoholic liquor in accordance with subsection (c)
25 of Section 6-31 of this Act. The transferred alcoholic liquor
26 may not be sold or resold in any form. An applicant for the

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

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

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

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

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

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

25 (v) A craft distiller warehouse permit may be issued to
26 the holder of a class 1 craft distiller or class 2 craft

1 distiller license. The craft distiller warehouse permit shall
2 allow the holder to store or warehouse up to 500,000 gallons of
3 spirits manufactured by the holder of the permit at the
4 premises specified on the permit. Sales to non-licensees are
5 prohibited at the premises specified in the craft distiller
6 warehouse permit.

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

12 (235 ILCS 5/6-9.2 new)

13 Sec. 6-9.2. Emergency purchase of alcoholic liquor
14 products by a retail licensee. If an on-premises retail
15 licensee's stock of a certain type of alcoholic liquor product
16 is exhausted, that product is a spirit, and the delivery of
17 that product is not within the distributor's delivery
18 schedule, the on-premises retail licensee may make emergency
19 purchases of not more than 6 liters of that type of product for
20 resale from an off-premises retail licensee per month. The
21 on-premises retail licensee shall pay an annual registration
22 fee of \$25 to the State Commission, which shall constitute a
23 waiver of any penalty, fine, or fee that would otherwise be
24 incurred if a retail licensee purchased alcoholic liquor
25 products from another retail licensee. Purchases of alcoholic

1 liquor products authorized under this Section shall be
2 conducted in accordance with the following:

3 (1) The off-premises retail licensee shall record on a
4 form furnished by the State Commission all of the
5 following:

6 (A) the name and signature of the on-premises
7 retail licensee making the purchase;

8 (B) the date and time of the purchase; and

9 (C) the on-premises retail licensee's Retailers'
10 Occupation Tax Registration Number.

11 (2) The on-premises retail licensee shall maintain the
12 receipt from the sale and any related invoices for 90
13 days.

14 (3) The on-premises retail licensee shall report the
15 purchase of the alcoholic liquor products on its monthly
16 sales tax report form.

17 The form collected pursuant to paragraph (1) shall be
18 provided to the State Commission within 30 days after the sale
19 and shall be maintained by the seller of the alcoholic liquor
20 products for not less than one year after the date of the sale.
21 The form shall be available upon request for the State
22 Commission to inspect.