

1 AN ACT concerning hospitality.

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

4 Section 1. This Act may be referred to as the COVID-19  
5 Pandemic Hospitality Recovery Act.

6 Section 5. The Liquor Control Act of 1934 is amended by  
7 changing Sections 6-5 and 6-28.8 and by adding Section 6-37 as  
8 follows:

9 (235 ILCS 5/6-5) (from Ch. 43, par. 122)

10 Sec. 6-5. Except as otherwise provided in this Section, it  
11 is unlawful for any person having a retailer's license or any  
12 officer, associate, member, representative or agent of such  
13 licensee to accept, receive or borrow money, or anything else  
14 of value, or accept or receive credit (other than  
15 merchandising credit in the ordinary course of business for a  
16 period not to exceed 30 days) directly or indirectly from any  
17 manufacturer, importing distributor or distributor of  
18 alcoholic liquor, or from any person connected with or in any  
19 way representing, or from any member of the family of, such  
20 manufacturer, importing distributor, distributor or  
21 wholesaler, or from any stockholders in any corporation  
22 engaged in manufacturing, distributing or wholesaling of such

1 liquor, or from any officer, manager, agent or representative  
2 of said manufacturer. Except as provided below, it is unlawful  
3 for any manufacturer or distributor or importing distributor  
4 to give or lend money or anything of value, or otherwise loan  
5 or extend credit (except such merchandising credit) directly  
6 or indirectly to any retail licensee or to the manager,  
7 representative, agent, officer or director of such licensee. A  
8 manufacturer, distributor or importing distributor may furnish  
9 free advertising, posters, signs, brochures, hand-outs, or  
10 other promotional devices or materials to any unit of  
11 government owning or operating any auditorium, exhibition  
12 hall, recreation facility or other similar facility holding a  
13 retailer's license, provided that the primary purpose of such  
14 promotional devices or materials is to promote public events  
15 being held at such facility. A unit of government owning or  
16 operating such a facility holding a retailer's license may  
17 accept such promotional devices or materials designed  
18 primarily to promote public events held at the facility. No  
19 retail licensee delinquent beyond the 30 day period specified  
20 in this Section shall solicit, accept or receive credit,  
21 purchase or acquire alcoholic liquors, directly or indirectly  
22 from any other licensee, and no manufacturer, distributor or  
23 importing distributor shall knowingly grant or extend credit,  
24 sell, furnish or supply alcoholic liquors to any such  
25 delinquent retail licensee; provided that the purchase price  
26 of all beer sold to a retail licensee shall be paid by the

1 retail licensee in cash on or before delivery of the beer, and  
2 unless the purchase price payable by a retail licensee for  
3 beer sold to him in returnable bottles shall expressly include  
4 a charge for the bottles and cases, the retail licensee shall,  
5 on or before delivery of such beer, pay the seller in cash a  
6 deposit in an amount not less than the deposit required to be  
7 paid by the distributor to the brewer; but where the brewer  
8 sells direct to the retailer, the deposit shall be an amount no  
9 less than that required by the brewer from his own  
10 distributors; and provided further, that in no instance shall  
11 this deposit be less than 50 cents for each case of beer in  
12 pint or smaller bottles and 60 cents for each case of beer in  
13 quart or half-gallon bottles; and provided further, that the  
14 purchase price of all beer sold to an importing distributor or  
15 distributor shall be paid by such importing distributor or  
16 distributor in cash on or before the 15th day (Sundays and  
17 holidays excepted) after delivery of such beer to such  
18 purchaser; and unless the purchase price payable by such  
19 importing distributor or distributor for beer sold in  
20 returnable bottles and cases shall expressly include a charge  
21 for the bottles and cases, such importing distributor or  
22 distributor shall, on or before the 15th day (Sundays and  
23 holidays excepted) after delivery of such beer to such  
24 purchaser, pay the seller in cash a required amount as a  
25 deposit to assure the return of such bottles and cases.  
26 Nothing herein contained shall prohibit any licensee from

1 crediting or refunding to a purchaser the actual amount of  
2 money paid for bottles, cases, kegs or barrels returned by the  
3 purchaser to the seller or paid by the purchaser as a deposit  
4 on bottles, cases, kegs or barrels, when such containers or  
5 packages are returned to the seller. Nothing herein contained  
6 shall prohibit any manufacturer, importing distributor or  
7 distributor from extending usual and customary credit for  
8 alcoholic liquor sold to customers or purchasers who live in  
9 or maintain places of business outside of this State when such  
10 alcoholic liquor is actually transported and delivered to such  
11 points outside of this State.

12 A manufacturer, distributor, or importing distributor may  
13 furnish free social media advertising to a retail licensee if  
14 the social media advertisement does not contain the retail  
15 price of any alcoholic liquor and the social media  
16 advertisement complies with any applicable rules or  
17 regulations issued by the Alcohol and Tobacco Tax and Trade  
18 Bureau of the United States Department of the Treasury. A  
19 manufacturer, distributor, or importing distributor may list  
20 the names of one or more unaffiliated retailers in the  
21 advertisement of alcoholic liquor through social media.  
22 Nothing in this Section shall prohibit a retailer from  
23 communicating with a manufacturer, distributor, or importing  
24 distributor on social media or sharing media on the social  
25 media of a manufacturer, distributor, or importing  
26 distributor. A retailer may request free social media

1 advertising from a manufacturer, distributor, or importing  
2 distributor. Nothing in this Section shall prohibit a  
3 manufacturer, distributor, or importing distributor from  
4 sharing, reposting, or otherwise forwarding a social media  
5 post by a retail licensee, so long as the sharing, reposting,  
6 or forwarding of the social media post does not contain the  
7 retail price of any alcoholic liquor. No manufacturer,  
8 distributor, or importing distributor shall pay or reimburse a  
9 retailer, directly or indirectly, for any social media  
10 advertising services, except as specifically permitted in this  
11 Act. No retailer shall accept any payment or reimbursement,  
12 directly or indirectly, for any social media advertising  
13 services offered by a manufacturer, distributor, or importing  
14 distributor, except as specifically permitted in this Act. For  
15 the purposes of this Section, "social media" means a service,  
16 platform, or site where users communicate with one another and  
17 share media, such as pictures, videos, music, and blogs, with  
18 other users free of charge.

19 No right of action shall exist for the collection of any  
20 claim based upon credit extended to a distributor, importing  
21 distributor or retail licensee contrary to the provisions of  
22 this Section.

23 Every manufacturer, importing distributor and distributor  
24 shall submit or cause to be submitted, to the State  
25 Commission, in triplicate, not later than Thursday of each  
26 calendar week, a verified written list of the names and

1     respective addresses of each retail licensee purchasing  
2     spirits or wine from such manufacturer, importing distributor  
3     or distributor who, on the first business day of that calendar  
4     week, was delinquent beyond the above mentioned permissible  
5     merchandising credit period of 30 days; or, if such is the  
6     fact, a verified written statement that no retail licensee  
7     purchasing spirits or wine was then delinquent beyond such  
8     permissible merchandising credit period of 30 days.

9             Every manufacturer, importing distributor and distributor  
10     shall submit or cause to be submitted, to the State  
11     Commission, in triplicate, a verified written list of the  
12     names and respective addresses of each previously reported  
13     delinquent retail licensee who has cured such delinquency by  
14     payment, which list shall be submitted not later than the  
15     close of the second full business day following the day such  
16     delinquency was so cured.

17             Such written verified reports required to be submitted by  
18     this Section shall be posted by the State Commission in each of  
19     its offices in places available for public inspection not  
20     later than the day following receipt thereof by the  
21     Commission. The reports so posted shall constitute notice to  
22     every manufacturer, importing distributor and distributor of  
23     the information contained therein. Actual notice to  
24     manufacturers, importing distributors and distributors of the  
25     information contained in any such posted reports, however  
26     received, shall also constitute notice of such information.

1           The 30 day merchandising credit period allowed by this  
2 Section shall commence with the day immediately following the  
3 date of invoice and shall include all successive days  
4 including Sundays and holidays to and including the 30th  
5 successive day.

6           In addition to other methods allowed by law, payment by  
7 check or credit card during the period for which merchandising  
8 credit may be extended under the provisions of this Section  
9 shall be considered payment. All checks received in payment  
10 for alcoholic liquor shall be promptly deposited for  
11 collection. A post dated check or a check dishonored on  
12 presentation for payment shall not be deemed payment.

13           A credit card payment in dispute by a retailer shall not be  
14 deemed payment, and the debt uncured for merchandising credit  
15 shall be reported as delinquent. Nothing in this Section shall  
16 prevent a distributor, self-distributing manufacturer, or  
17 importing distributor from assessing a usual and customary  
18 transaction fee representative of the actual finance charges  
19 incurred for processing a credit card payment. This  
20 transaction fee shall be disclosed on the invoice. It shall be  
21 considered unlawful for a distributor, importing distributor,  
22 or self-distributing manufacturer to waive finance charges for  
23 retailers.

24           A retail licensee shall not be deemed to be delinquent in  
25 payment for any alleged sale to him of alcoholic liquor when  
26 there exists a bona fide dispute between such retailer and a

1 manufacturer, importing distributor or distributor with  
2 respect to the amount of indebtedness existing because of such  
3 alleged sale. A retail licensee shall not be deemed to be  
4 delinquent under this provision and 11 Ill. Adm. Code 100.90  
5 until 30 days after the date on which the region in which the  
6 retail licensee is located enters Phase 4 of the Governor's  
7 Restore Illinois Plan as issued on May 5, 2020.

8 A delinquent retail licensee who engages in the retail  
9 liquor business at 2 or more locations shall be deemed to be  
10 delinquent with respect to each such location.

11 The license of any person who violates any provision of  
12 this Section shall be subject to suspension or revocation in  
13 the manner provided by this Act.

14 If any part or provision of this Article or the  
15 application thereof to any person or circumstances shall be  
16 adjudged invalid by a court of competent jurisdiction, such  
17 judgment shall be confined by its operation to the controversy  
18 in which it was mentioned and shall not affect or invalidate  
19 the remainder of this Article or the application thereof to  
20 any other person or circumstance and to this and the  
21 provisions of this Article are declared severable.

22 (Source: P.A. 101-631, eff. 6-2-20.)

23 (235 ILCS 5/6-28.8)

24 (Section scheduled to be repealed on June 2, 2021)

25 Sec. 6-28.8. Delivery and carry out of mixed drinks



1 permitted.

2 (a) In this Section:

3 "Cocktail" or "mixed drink" means any beverage obtained by  
4 combining ingredients alcoholic in nature, whether brewed,  
5 fermented, or distilled, with ingredients non-alcoholic in  
6 nature, such as fruit juice, lemonade, cream, or a carbonated  
7 beverage.

8 "Original container" means, for the purposes of this  
9 Section only, a container that is (i) filled, sealed, and  
10 secured by a retail licensee's employee at the retail  
11 licensee's location with a tamper-evident lid or cap or (ii)  
12 filled and labeled by the manufacturer and secured by the  
13 manufacturer's original unbroken seal.

14 "Sealed container" means a rigid container that contains a  
15 mixed drink or a single serving of wine, is new, has never been  
16 used, has a secured lid or cap designed to prevent consumption  
17 without removal of the lid or cap, and is tamper-evident.

18 "Sealed container" includes a manufacturer's original  
19 container as defined in this subsection. "Sealed container"  
20 does not include a container with a lid with sipping holes or  
21 openings for straws or a container made of plastic, paper, or  
22 polystyrene foam.

23 "Tamper-evident" means a lid or cap that has been sealed  
24 with tamper-evident covers, including, but not limited to, wax  
25 dip or heat shrink wrap.

26 (b) A cocktail, ~~or~~ mixed drink, or single serving of wine

1 placed in a sealed container by a retail licensee at the retail  
2 licensee's location or a manufacturer's original container may  
3 be transferred and sold for off-premises consumption if the  
4 following requirements are met:

5 (1) the cocktail, mixed drink, or single serving of  
6 wine is transferred within the licensed premises, by a  
7 curbside pickup, or by delivery by an employee of the  
8 retail licensee who:

9 (A) has been trained in accordance with Section  
10 6-27.1 at the time of the sale;

11 (B) is at least 21 years of age; and

12 (C) upon delivery, verifies the age of the person  
13 to whom the cocktail, mixed drink, or single serving  
14 of wine is being delivered;

15 (2) if the employee delivering the cocktail, mixed  
16 drink, or single serving of wine is not able to safely  
17 verify a person's age or level of intoxication upon  
18 delivery, the employee shall cancel the sale of alcohol  
19 and return the product to the retail license holder;

20 (3) the sealed container is placed in the trunk of the  
21 vehicle or if there is no trunk, in the vehicle's rear  
22 compartment that is not readily accessible to the  
23 passenger area;

24 (4) except for a manufacturer's original container, a  
25 the sealed container filled and sealed at a retail  
26 licensee's location shall be affixed with a label or tag

1 that contains the following information:

2 (A) the cocktail or mixed drink ingredients, type,  
3 and name of the alcohol;

4 (B) the name, license number, and address of the  
5 retail licensee that filled the original container and  
6 sold the product;

7 (C) the volume of the cocktail, ~~or~~ mixed drink, or  
8 single serving of wine in the sealed container; and

9 (D) the sealed container was filled less than 7  
10 days before the date of sale; and.

11 (5) a manufacturer's original container shall be  
12 affixed with a label or tag that contains the name,  
13 license number, and address of the retail licensee that  
14 sold the product.

15 (c) Third-party delivery services are not permitted to  
16 deliver cocktails and mixed drinks under this Section.

17 (d) If there is an executive order of the Governor in  
18 effect during a disaster, the employee delivering the mixed  
19 drink, ~~or~~ cocktail, or single serving of wine must comply with  
20 any requirements of that executive order, including, but not  
21 limited to, wearing gloves and a mask and maintaining  
22 distancing requirements when interacting with the public.

23 (e) Delivery or carry out of a cocktail, ~~or~~ mixed drink, or  
24 single serving of wine is prohibited if:

25 (1) a third party delivers the cocktail or mixed  
26 drink;

1           (2) a container of a mixed drink, ~~or~~ cocktail, or  
2           single serving of wine is not tamper-evident and sealed;

3           (3) a container of a mixed drink, ~~or~~ cocktail, or  
4           single serving of wine is transported in the passenger  
5           area of a vehicle;

6           (4) a mixed drink, ~~or~~ cocktail, or single serving of  
7           wine is delivered by a person or to a person who is under  
8           the age of 21; or

9           (5) the person delivering a mixed drink, ~~or~~ cocktail,  
10          or single serving of wine fails to verify the age of the  
11          person to whom the mixed drink or cocktail is being  
12          delivered.

13          (f) Violations of this Section shall be subject to any  
14          applicable penalties, including, but not limited to, the  
15          penalties specified under Section 11-502 of the Illinois  
16          Vehicle Code.

17          (f-5) This Section is not intended to prohibit or preempt  
18          the ability of a brew pub, tap room, or distilling pub to  
19          continue to temporarily deliver alcoholic liquor pursuant to  
20          guidance issued by the State Commission on March 19, 2020  
21          entitled "Illinois Liquor Control Commission, COVID-19 Related  
22          Actions, Guidance on Temporary Delivery of Alcoholic Liquor".  
23          This Section shall only grant authorization to holders of  
24          State of Illinois retail liquor licenses but not to licensees  
25          that simultaneously hold any licensure or privilege to  
26          manufacture alcoholic liquors within or outside of the State

1 of Illinois.

2 (g) This Section is not a denial or limitation of home rule  
3 powers and functions under Section 6 of Article VII of the  
4 Illinois Constitution.

5 (h) This Section is repealed on January 3, 2024 ~~one year~~  
6 ~~after the effective date of this amendatory Act of the 101st~~  
7 ~~General Assembly.~~

8 (Source: P.A. 101-631, eff. 6-2-20.)

9 (235 ILCS 5/6-37 new)

10 Sec. 6-37. Hospitality vaccination incentive; temporary.

11 (a) Notwithstanding any other provision of law, from June  
12 10, 2021 through July 10, 2021, a retail licensee may offer a  
13 single drink of alcoholic liquor at no cost to a customer as  
14 part of a publicly advertised promotion to encourage  
15 participation in any COVID-19 vaccination program if the  
16 customer provides proof of COVID-19 vaccination received at  
17 any time. Drinks may be provided under this Section only from 6  
18 p.m. through 10 p.m.

19 This Section is subject to any rule or bulletin posted by  
20 the State Commission.

21 (b) A retail licensee's participation in providing a  
22 single drink of alcoholic liquor is voluntary and a retail  
23 licensee may refuse to provide a single drink at no charge. The  
24 retail licensee may determine or restrict which single drink  
25 of alcoholic liquor it will provide at no cost but under no

1 circumstances may a single drink of alcoholic liquor exceed  
2 1.5 ounces of distilled spirits, 5 ounces of wine, or 12 ounces  
3 of beer.

4 (c) A local liquor control commissioner or local liquor  
5 control commission may prohibit retail licensees within its  
6 jurisdiction from providing a single drink of alcoholic liquor  
7 at no charge by promulgating a rule or policy preempting this  
8 Section.

9 (d) After receiving a single drink of alcoholic liquor at  
10 no charge, no customer shall receive a subsequent drink from  
11 the retail licensee providing the drink at no charge or from  
12 another retail licensee on the same day or any subsequent day.  
13 In addition to abiding by all other alcoholic liquor sales  
14 laws, before providing a single drink at no charge, the retail  
15 licensee shall develop procedures to verify the identity of  
16 the vaccinated customer by comparing the vaccination card to a  
17 form of valid federal or State identification. The retail  
18 licensee shall develop procedures to ensure that a customer  
19 does not obtain more than a single drink at no charge and the  
20 retail licensee shall be subject to penalties imposed by the  
21 State Commission if the retail licensee provides more than a  
22 single drink to a particular customer at no charge.

23 (e) The State Commission may publish further guidelines on  
24 the implementation of this Section not inconsistent with this  
25 Section and shall post them on the State Commission's website.

26 (f) This Section is repealed on July 11, 2021.

1           Section 99. Effective date. This Act takes effect upon  
2 becoming law.