

SB0203



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0203

Introduced 2/17/2021, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-28.8

Amends the Liquor Control Act of 1934. Removes language repealing the provision concerning delivery and carry out of mixed drinks on June 2, 2021. Effective immediately.

LRB102 15497 RPS 20860 b

A BILL FOR

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-28.8 as follows:

6 (235 ILCS 5/6-28.8)

7 (Section scheduled to be repealed on June 2, 2021)

8 Sec. 6-28.8. Delivery and carry out of mixed drinks
9 permitted.

10 (a) In this Section:

11 "Cocktail" or "mixed drink" means any beverage obtained by
12 combining ingredients alcoholic in nature, whether brewed,
13 fermented, or distilled, with ingredients non-alcoholic in
14 nature, such as fruit juice, lemonade, cream, or a carbonated
15 beverage.

16 "Original container" means, for the purposes of this
17 Section only, a container that is filled, sealed, and secured
18 by a retail licensee's employee at the retail licensee's
19 location with a tamper-evident lid or cap.

20 "Sealed container" means a rigid container that contains a
21 mixed drink, is new, has never been used, has a secured lid or
22 cap designed to prevent consumption without removal of the lid
23 or cap, and is tamper-evident. "Sealed container" does not

1 include a container with a lid with sipping holes or openings
2 for straws or a container made of plastic, paper, or
3 polystyrene foam.

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

7 (b) A cocktail or mixed drink placed in a sealed container
8 by a retail licensee at the retail licensee's location may be
9 transferred and sold for off-premises consumption if the
10 following requirements are met:

11 (1) the cocktail is transferred within the licensed
12 premises, by a curbside pickup, or by delivery by an
13 employee of the retail licensee who:

14 (A) has been trained in accordance with Section
15 6-27.1 at the time of the sale;

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

17 (C) upon delivery, verifies the age of the person
18 to whom the cocktail is being delivered;

19 (2) if the employee delivering the cocktail is not
20 able to safely verify a person's age or level of
21 intoxication upon delivery, the employee shall cancel the
22 sale of alcohol and return the product to the retail
23 license holder;

24 (3) the sealed container is placed in the trunk of the
25 vehicle or if there is no trunk, in the vehicle's rear
26 compartment that is not readily accessible to the

1 passenger area;

2 (4) the sealed container shall be affixed with a label
3 or tag that contains the following information:

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

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

9 (C) the volume of the cocktail or mixed drink in
10 the sealed container; and

11 (D) the sealed container was filled less than 7
12 days before the date of sale.

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

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

21 (e) Delivery or carry out of a cocktail or mixed drink is
22 prohibited if:

23 (1) a third party delivers the cocktail or mixed
24 drink;

25 (2) a container of a mixed drink or cocktail is not
26 tamper-evident and sealed;

1 (3) a container of a mixed drink or cocktail is
2 transported in the passenger area of a vehicle;

3 (4) a mixed drink or cocktail is delivered by a person
4 or to a person who is under the age of 21; or

5 (5) the person delivering a mixed drink or cocktail
6 fails to verify the age of the person to whom the mixed
7 drink or cocktail is being delivered.

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

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

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

26 (h) (Blank). ~~This Section is repealed one year after the~~

1 ~~effective date of this amendatory Act of the 101st General~~
2 ~~Assembly.~~

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.