



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1712

Introduced 2/26/2021, by Sen. Cristina Castro

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-9.1  
235 ILCS 5/6-17.5 new  
235 ILCS 5/6-40 new

Amends the Liquor Control Act of 1934. Provides that a distributor shall not require a retailer to purchase a minimum quantity of wine or spirits for delivery and shall not charge a retailer a fee for the delivery of wine or spirits. Provides that no retail licensee may purchase wine or spirits from, or possess wine or spirits purchased from, any person other than a distributor or importing distributor, except that a retail licensee may purchase 20 liters or less of wine or spirits from another retail licensee in a one-month period if specified conditions are met. Provides that no original package of wine or spirits may be transferred from one retail licensee to any other retail licensee without permission from the Illinois Liquor Control Commission, except that if the same retailer holds more than one retail license, original packages of wine or spirits may be transferred from one of the retail licensee's licensed locations to another of that retail licensee's licensed locations without prior permission from the State Commission, subject to specified conditions. Effective immediately.

LRB102 11975 RPS 17311 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 Section 6-9.1 and by adding Sections 6-17.5 and 6-40  
6 as follows:

7 (235 ILCS 5/6-9.1)

8 Sec. 6-9.1. Deliveries to retail establishments. ~~(a)~~ A  
9 distributor of wine or spirits shall deliver to any retailer  
10 within any geographic area in which that distributor has been  
11 granted by a wholesaler the right to sell its trademark,  
12 brand, or name at least once every 2 weeks A distributor shall  
13 not require a retailer to purchase a minimum quantity of wine  
14 or spirits for delivery. A distributor shall not charge a  
15 retailer any fee in any form above the sale price of the wine  
16 or spirits for the delivery of wine or spirits. ~~if (i) in the~~  
17 ~~case of a retailer located in a county with a population of at~~  
18 ~~least 3,000,000 inhabitants or in a county adjacent to a~~  
19 ~~county with at least 3,000,000 inhabitants, the retailer~~  
20 ~~agrees to purchase at least \$200 of wine or spirits from the~~  
21 ~~distributor every 2 weeks; or (ii) in the case of a retailer~~  
22 ~~located in a county with a population of less than 3,000,000~~  
23 ~~that is not adjacent to a county with a population of at least~~

1 ~~3,000,000 inhabitants, the retailer agrees to purchase at~~  
2 ~~least \$50 of wine or spirits from the distributor every 2~~  
3 ~~weeks.~~

4 ~~(b) On January 1, 2002 and every 2 years thereafter, the~~  
5 ~~dollar amounts in items (i) and (ii) of subsection (a) shall be~~  
6 ~~increased or decreased by a percentage equal to the percentage~~  
7 ~~increase or decrease in the Consumer Price Index during the~~  
8 ~~previous 2 years according to the most recent available data.~~

9 (Source: P.A. 91-482, eff. 1-1-00.)

10 (235 ILCS 5/6-17.5 new)

11 Sec. 6-17.5. Purchase of wine or spirits by a retail  
12 licensee from another retail licensee.

13 (a) No retail licensee may purchase wine or spirits from,  
14 or possess wine or spirits purchased from, any person other  
15 than a distributor or importing distributor; however, a retail  
16 licensee may purchase 20 liters or less of wine or spirits from  
17 another retail licensee in a one-month period if the following  
18 conditions are met:

19 (1) All purchases are properly documented with the  
20 following information:

21 (A) the license number of each retail licensee  
22 involved in the sale;

23 (B) the brand, size, and quantity of the wine or  
24 spirits purchased; and

25 (C) the date the purchase was made.

1           (2) A copy of the invoice of the sale is submitted to  
2           the State Commission from both retail licensees and is  
3           retained by both retail licensees.

4           (b) A retail licensee that purchases or sells an original  
5           package of wine or spirits as authorized by this Section shall  
6           not be deemed to be engaged in business as a wholesaler or  
7           distributor based upon the sale authorized by this Section.

8           (235 ILCS 5/6-40 new)

9           Sec. 6-40. Transfer of wine or spirits by a retail  
10          licensee.

11          (a) No original package of wine or spirits may be  
12          transferred from one retail licensee to any other retail  
13          licensee without permission from the State Commission;  
14          however, if the same retail licensee holds more than one  
15          retail license, original packages of wine or spirits may be  
16          transferred from one of such retail licensee's licensed  
17          locations to another of that retail licensee's licensed  
18          locations without prior permission from the State Commission,  
19          subject to the following conditions:

20                   (1) the transfer is made by common carrier;

21                   (2) the transfer is made by a licensed  
22                   distributor's or importing distributor's vehicle; or

23                   (3) the transfer is made by a vehicle owned and  
24                   operated by the licensee.

25          (b) All transfers must be properly documented in the form

1 of an invoice in triplicate with the following information:

2 (1) the license number of the retail licensee from  
3 which the transfer is to be made and the license number  
4 of the retail licensee to which the transfer is to be  
5 made;

6 (2) the brand, size, and quantity of the wine or  
7 spirits to be transferred; and

8 (3) the date the transfer is to be made.

9 (c) A copy of the invoice must, prior to the transfer, be  
10 submitted to the State Commission. A copy of the invoice must  
11 be in the possession of the driver until delivery is complete  
12 and then retained by the retail licensee to which the transfer  
13 is made. A third copy of the invoice must be retained by the  
14 retail licensee from which the transfer is made.

15 (d) A retail licensee that transfers or receives an  
16 original package of wine or spirits as authorized by this  
17 Section shall not be deemed to be engaged in business as a  
18 wholesaler or distributor based upon the transfer authorized  
19 by this Section.

20 (e) A transfer authorized by this Section shall not be  
21 deemed a sale.

22 (f) Transfers of wine or spirits in accordance with this  
23 Section may only take place from and to the licensed premises  
24 of the retail licensee located within the registered  
25 geographic territory of the distributor or importing  
26 distributor from whom the retail licensee purchased the

1 transferred wine or spirits.

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