



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2976

Introduced 1/5/2022, by Sen. Rachele Crowe

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/3-12

235 ILCS 5/5-1

235 ILCS 5/5-3

from Ch. 43, par. 115

from Ch. 43, par. 118

Amends the Liquor Control Act of 1934. Provides that a person licensed to make wine under the laws of another state who has a winery shipper's license and annually produces less than 250,000 gallons (instead of 25,000 gallons) of wine or a person who has a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license and annually produces less than 250,000 gallons (instead of 25,000 gallons) of wine may make application to the Illinois Liquor Control Commission for a self-distribution exemption to allow the sale of not more than 50,000 gallons (instead of 5,000 gallons) of the exemption holder's wine to retail licensees per year. Makes conforming changes. Removes language providing that a first-class wine-maker holding a class 1 brewer license or a class 1 craft distiller license shall not be eligible for a wine-maker's premises license but shall be permitted to sell wine manufactured at the first-class wine-maker premises to non-licensees. Makes changes to licensing fees for first-class wine manufacturers and first-class wine makers. Effective immediately.

LRB102 22102 RPS 31230 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 5-3 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  
12 has 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  
16 determining multiple violations for the sale of alcohol to  
17 a person under the age of 21, a second or subsequent  
18 violation for the sale of alcohol to a person under the age  
19 of 21 shall only be considered if it was committed within 5  
20 years after the date when a prior violation for the sale of  
21 alcohol to 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  
5           destruction of that bottle of alcoholic liquor for the  
6           first 10 bottles so sold or served from by the licensee.  
7           For the eleventh bottle of alcoholic liquor and for each  
8           third bottle thereafter sold or served from by the  
9           licensee with a foreign object in it, the maximum penalty  
10          that may be imposed on the licensee is the destruction of  
11          the bottle of alcoholic liquor and a fine of up to \$50.

12           Any notice issued by the State Commission to a  
13          licensee for a violation of this Act or any notice with  
14          respect to settlement or offer in compromise shall include  
15          the field 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  
20          the action.

21           (2) To adopt such rules and regulations consistent  
22          with the provisions of this Act which shall be necessary  
23          to 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,  
3 or file a complaint with the State's Attorney's Office of  
4 the county where the incident occurred or the Attorney  
5 General.

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

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

1 substantially alleges a violation of this Act or rules and  
2 regulations adopted pursuant to this Act, it shall conduct  
3 an investigation. If, after conducting an investigation,  
4 the State Commission is satisfied that the alleged  
5 violation did occur, it shall proceed with disciplinary  
6 action against the licensee as provided in this Act.

7 (5.4) To make arrests and issue notices of civil  
8 violations where necessary for the enforcement of this  
9 Act.

10 (5.5) To investigate any and all unlicensed activity.

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

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

26 (7) The State Commission shall establish uniform

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

25 (8) In the conduct of any hearing authorized to be  
26 held by the State Commission, to appoint, at the



1 commission's discretion, hearing officers to conduct  
2 hearings involving complex issues or issues that will  
3 require a protracted period of time to resolve, to  
4 examine, or cause to be examined, under oath, any  
5 licensee, and to examine or cause to be examined the books  
6 and records of such licensee; to hear testimony and take  
7 proof material for its information in the discharge of its  
8 duties hereunder; to administer or cause to be  
9 administered oaths; for any such purpose to issue subpoena  
10 or subpoenas to require the attendance of witnesses and  
11 the production of books, which shall be effective in any  
12 part of this State, and to adopt rules to implement its  
13 powers under this paragraph (8).

14 Any circuit court may, by order duly entered, require  
15 the attendance of witnesses and the production of relevant  
16 books subpoenaed by the State Commission and the court may  
17 compel obedience to its order by proceedings for contempt.

18 (9) To investigate the administration of laws in  
19 relation to alcoholic liquors in this and other states and  
20 any foreign countries, and to recommend from time to time  
21 to the Governor and through him or her to the legislature  
22 of this State, such amendments to this Act, if any, as it  
23 may think desirable and as will serve to further the  
24 general broad purposes contained in Section 1-2 hereof.

25 (10) To adopt such rules and regulations consistent  
26 with the provisions of this Act which shall be necessary

1 for the control, sale, or disposition of alcoholic liquor  
2 damaged as a result of an accident, wreck, flood, fire, or  
3 other similar occurrence.

4 (11) To develop industry educational programs related  
5 to responsible serving and selling, particularly in the  
6 areas of overserving consumers and illegal underage  
7 purchasing and consumption of alcoholic beverages.

8 (11.1) To license persons providing education and  
9 training to alcohol beverage sellers and servers for  
10 mandatory and non-mandatory training under the Beverage  
11 Alcohol Sellers and Servers Education and Training  
12 (BASSET) programs and to develop and administer a public  
13 awareness program in Illinois to reduce or eliminate the  
14 illegal purchase and consumption of alcoholic beverage  
15 products by persons under the age of 21. Application for a  
16 license shall be made on forms provided by the State  
17 Commission.

18 (12) To develop and maintain a repository of license  
19 and regulatory information.

20 (13) (Blank).

21 (14) On or before April 30, 2008 and every 2 years  
22 thereafter, the State Commission shall present a written  
23 report to the Governor and the General Assembly that shall  
24 be based on a study of the impact of Public Act 95-634 on  
25 the business of soliciting, selling, and shipping wine  
26 from inside and outside of this State directly to

1 residents of this State. As part of its report, the State  
2 Commission shall provide all of the following information:

3 (A) The amount of State excise and sales tax  
4 revenues generated.

5 (B) The amount of licensing fees received.

6 (C) The number of cases of wine shipped from  
7 inside and outside of this State directly to residents  
8 of this State.

9 (D) The number of alcohol compliance operations  
10 conducted.

11 (E) The number of winery shipper's licenses  
12 issued.

13 (F) The number of each of the following: reported  
14 violations; cease and desist notices issued by the  
15 Commission; notices of violations issued by the  
16 Commission and to the Department of Revenue; and  
17 notices and complaints of violations to law  
18 enforcement officials, including, without limitation,  
19 the Illinois Attorney General and the U.S. Department  
20 of Treasury's Alcohol and Tobacco Tax and Trade  
21 Bureau.

22 (15) As a means to reduce the underage consumption of  
23 alcoholic liquors, the State Commission shall conduct  
24 alcohol compliance operations to investigate whether  
25 businesses that are soliciting, selling, and shipping wine  
26 from inside or outside of this State directly to residents

1 of this State are licensed by this State or are selling or  
2 attempting to sell wine to persons under 21 years of age in  
3 violation of this Act.

4 (16) The State Commission shall, in addition to  
5 notifying any appropriate law enforcement agency, submit  
6 notices of complaints or violations of Sections 6-29 and  
7 6-29.1 by persons who do not hold a winery shipper's  
8 license under this Act to the Illinois Attorney General  
9 and to the U.S. Department of Treasury's Alcohol and  
10 Tobacco Tax and Trade Bureau.

11 (17) (A) A person licensed to make wine under the laws  
12 of another state who has a winery shipper's license under  
13 this Act and annually produces less than 250,000 ~~25,000~~  
14 gallons of wine or a person who has a first-class or  
15 second-class wine manufacturer's license, a first-class or  
16 second-class wine-maker's license, or a limited wine  
17 manufacturer's license under this Act and annually  
18 produces less than 250,000 ~~25,000~~ gallons of wine may make  
19 application to the State Commission for a  
20 self-distribution exemption to allow the sale of not more  
21 than 50,000 ~~5,000~~ gallons of the exemption holder's wine  
22 to retail licensees per year and to sell cider, mead, or  
23 both cider and mead to brewers, class 1 brewers, class 2  
24 brewers, and class 3 brewers that, pursuant to subsection  
25 (e) of Section 6-4 of this Act, sell beer, cider, mead, or  
26 any combination thereof to non-licensees at their

1           breweries.

2           (B) In the application, which shall be sworn under  
3           penalty of perjury, such person shall state (1) the date  
4           it was established; (2) its volume of production and sales  
5           for each year since its establishment; (3) its efforts to  
6           establish distributor relationships; (4) that a  
7           self-distribution exemption is necessary to facilitate the  
8           marketing of its wine; and (5) that it will comply with the  
9           liquor and revenue laws of the United States, this State,  
10          and any other state where it is licensed.

11          (C) The State Commission shall approve the application  
12          for a self-distribution exemption if such person: (1) is  
13          in compliance with State revenue and liquor laws; (2) is  
14          not a member of any affiliated group that produces  
15          directly or indirectly more than 250,000 ~~25,000~~ gallons of  
16          wine per annum, 930,000 gallons of beer per annum, or  
17          50,000 gallons of spirits per annum; (3) will not annually  
18          produce for sale more than 250,000 ~~25,000~~ gallons of wine,  
19          930,000 gallons of beer, or 50,000 gallons of spirits; and  
20          (4) will not annually sell more than 50,000 ~~5,000~~ gallons  
21          of its wine to retail licensees.

22          (D) A self-distribution exemption holder shall  
23          annually certify to the State Commission its production of  
24          wine in the previous 12 months and its anticipated  
25          production and sales for the next 12 months. The State  
26          Commission may fine, suspend, or revoke a

1 self-distribution exemption after a hearing if it finds  
2 that the exemption holder has made a material  
3 misrepresentation in its application, violated a revenue  
4 or liquor law of Illinois, exceeded production of 250,000  
5 ~~25,000~~ gallons of wine, 930,000 gallons of beer, or 50,000  
6 gallons of spirits in any calendar year, or become part of  
7 an affiliated group producing more than 250,000 ~~25,000~~  
8 gallons of wine, 930,000 gallons of beer, or 50,000  
9 gallons of spirits.

10 (E) Except in hearings for violations of this Act or  
11 Public Act 95-634 or a bona fide investigation by duly  
12 sworn law enforcement officials, the State Commission, or  
13 its agents, the State Commission shall maintain the  
14 production and sales information of a self-distribution  
15 exemption holder as confidential and shall not release  
16 such information to any person.

17 (F) The State Commission shall issue regulations  
18 governing self-distribution exemptions consistent with  
19 this Section and this Act.

20 (G) Nothing in this paragraph (17) shall prohibit a  
21 self-distribution exemption holder from entering into or  
22 simultaneously having a distribution agreement with a  
23 licensed Illinois distributor.

24 (H) It is the intent of this paragraph (17) to promote  
25 and continue orderly markets. The General Assembly finds  
26 that, in order to preserve Illinois' regulatory

1 distribution system, it is necessary to create an  
2 exception for smaller makers of wine as their wines are  
3 frequently adjusted in varietals, mixes, vintages, and  
4 taste to find and create market niches sometimes too small  
5 for distributor or importing distributor business  
6 strategies. Limited self-distribution rights will afford  
7 and allow smaller makers of wine access to the marketplace  
8 in order to develop a customer base without impairing the  
9 integrity of the 3-tier system.

10 (18) (A) A class 1 brewer licensee, who must also be  
11 either a licensed brewer or licensed non-resident dealer  
12 and annually manufacture less than 930,000 gallons of  
13 beer, may make application to the State Commission for a  
14 self-distribution exemption to allow the sale of not more  
15 than 232,500 gallons per year of the exemption holder's  
16 beer to retail licensees and to brewers, class 1 brewers,  
17 and class 2 brewers that, pursuant to subsection (e) of  
18 Section 6-4 of this Act, sell beer, cider,, mead, or any  
19 combination thereof to non-licensees at their breweries.

20 (B) In the application, which shall be sworn under  
21 penalty of perjury, the class 1 brewer licensee shall  
22 state (1) the date it was established; (2) its volume of  
23 beer manufactured and sold for each year since its  
24 establishment; (3) its efforts to establish distributor  
25 relationships; (4) that a self-distribution exemption is  
26 necessary to facilitate the marketing of its beer; and (5)

1           that it will comply with the alcoholic beverage and  
2           revenue laws of the United States, this State, and any  
3           other state where it is licensed.

4           (C) Any application submitted shall be posted on the  
5           State Commission's website at least 45 days prior to  
6           action by the State Commission. The State Commission shall  
7           approve the application for a self-distribution exemption  
8           if the class 1 brewer licensee: (1) is in compliance with  
9           the State, revenue, and alcoholic beverage laws; (2) is  
10          not a member of any affiliated group that manufactures,  
11          directly or indirectly, more than 930,000 gallons of beer  
12          per annum, 25,000 gallons of wine per annum, or 50,000  
13          gallons of spirits per annum; (3) shall not annually  
14          manufacture for sale more than 930,000 gallons of beer,  
15          25,000 gallons of wine, or 50,000 gallons of spirits; (4)  
16          shall not annually sell more than 232,500 gallons of its  
17          beer to retail licensees and class 3 brewers and to  
18          brewers, class 1 brewers, and class 2 brewers that,  
19          pursuant to subsection (e) of Section 6-4 of this Act,  
20          sell beer, cider, mead, or any combination thereof to  
21          non-licensees at their breweries; and (5) has relinquished  
22          any brew pub license held by the licensee, including any  
23          ownership interest it held in the licensed brew pub.

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



1 manufacture and sales of beer for the next 12 months. The  
2 State Commission may fine, suspend, or revoke a  
3 self-distribution exemption after a hearing if it finds  
4 that the exemption holder has made a material  
5 misrepresentation in its application, violated a revenue  
6 or alcoholic beverage law of Illinois, exceeded the  
7 manufacture of 930,000 gallons of beer, 25,000 gallons of  
8 wine, or 50,000 gallons of spirits in any calendar year or  
9 became part of an affiliated group manufacturing more than  
10 930,000 gallons of beer, 25,000 gallons of wine, or 50,000  
11 gallons of spirits.

12 (E) The State Commission shall issue rules and  
13 regulations governing self-distribution exemptions  
14 consistent with this Act.

15 (F) Nothing in this paragraph (18) shall prohibit a  
16 self-distribution exemption holder from entering into or  
17 simultaneously having a distribution agreement with a  
18 licensed Illinois importing distributor or a distributor.  
19 If a self-distribution exemption holder enters into a  
20 distribution agreement and has assigned distribution  
21 rights to an importing distributor or distributor, then  
22 the self-distribution exemption holder's distribution  
23 rights in the assigned territories shall cease in a  
24 reasonable time not to exceed 60 days.

25 (G) It is the intent of this paragraph (18) to promote  
26 and continue orderly markets. The General Assembly finds

1 that in order to preserve Illinois' regulatory  
2 distribution system, it is necessary to create an  
3 exception for smaller manufacturers in order to afford and  
4 allow such smaller manufacturers of beer access to the  
5 marketplace in order to develop a customer base without  
6 impairing the integrity of the 3-tier system.

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

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

24 (C) Any application submitted shall be posted on the  
25 State Commission's website at least 45 days prior to  
26 action by the State Commission. The State Commission shall

1 approve the application for a self-distribution exemption  
2 if the applicant: (1) is in compliance with State revenue  
3 and alcoholic beverage laws; (2) is not a member of any  
4 affiliated group that produces more than 50,000 gallons of  
5 spirits per annum, 930,000 gallons of beer per annum, or  
6 25,000 gallons of wine per annum; (3) does not annually  
7 manufacture for sale more than 50,000 gallons of spirits,  
8 930,000 gallons of beer, or 25,000 gallons of wine; and  
9 (4) does not annually sell more than 5,000 gallons of its  
10 spirits to retail licensees.

11 (D) A self-distribution exemption holder shall  
12 annually certify to the State Commission its manufacture  
13 of spirits during the previous 12 months and its  
14 anticipated manufacture and sales of spirits for the next  
15 12 months. The State Commission may fine, suspend, or  
16 revoke a self-distribution exemption after a hearing if it  
17 finds that the exemption holder has made a material  
18 misrepresentation in its application, violated a revenue  
19 or alcoholic beverage law of Illinois, exceeded the  
20 manufacture of 50,000 gallons of spirits, 930,000 gallons  
21 of beer, or 25,000 gallons of wine in any calendar year, or  
22 has become part of an affiliated group manufacturing more  
23 than 50,000 gallons of spirits, 930,000 gallons of beer,  
24 or 25,000 gallons of wine.

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

1           (F) Nothing in this paragraph (19) shall prohibit a  
2 self-distribution exemption holder from entering into or  
3 simultaneously having a distribution agreement with a  
4 licensed Illinois importing distributor or a distributor.

5           (G) It is the intent of this paragraph (19) to promote  
6 and continue orderly markets. The General Assembly finds  
7 that in order to preserve Illinois' regulatory  
8 distribution system, it is necessary to create an  
9 exception for smaller manufacturers in order to afford and  
10 allow such smaller manufacturers of spirits access to the  
11 marketplace in order to develop a customer base without  
12 impairing the integrity of the 3-tier system.

13           (20) (A) A class 3 brewer licensee who must manufacture  
14 less than 465,000 gallons of beer in the aggregate and not  
15 more than 155,000 gallons at any single brewery premises  
16 may make application to the State Commission for a  
17 self-distribution exemption to allow the sale of not more  
18 than 6,200 gallons of beer from each in-state or  
19 out-of-state class 3 brewery premises, which shall not  
20 exceed 18,600 gallons annually in the aggregate, that is  
21 manufactured at a wholly owned class 3 brewer's in-state  
22 or out-of-state licensed premises to retail licensees and  
23 class 3 brewers and to brewers, class 1 brewers, class 2  
24 brewers that, pursuant to subsection (e) of Section 6-4,  
25 sell beer, cider, or both beer and cider to non-licensees  
26 at their licensed breweries.

1 (B) In the application, which shall be sworn under  
2 penalty of perjury, the class 3 brewer licensee shall  
3 state:

4 (1) the date it was established;

5 (2) its volume of beer manufactured and sold for  
6 each year since its establishment;

7 (3) its efforts to establish distributor  
8 relationships;

9 (4) that a self-distribution exemption is  
10 necessary to facilitate the marketing of its beer; and

11 (5) that it will comply with the alcoholic  
12 beverage and revenue laws of the United States, this  
13 State, and any other state where it is licensed.

14 (C) Any application submitted shall be posted on the  
15 State Commission's website at least 45 days before action  
16 by the State Commission. The State Commission shall  
17 approve the application for a self-distribution exemption  
18 if the class 3 brewer licensee: (1) is in compliance with  
19 the State, revenue, and alcoholic beverage laws; (2) is  
20 not a member of any affiliated group that manufacturers,  
21 directly or indirectly, more than 465,000 gallons of beer  
22 per annum, (3) shall not annually manufacture for sale  
23 more than 465,000 gallons of beer or more than 155,000  
24 gallons at any single brewery premises; and (4) shall not  
25 annually sell more than 6,200 gallons of beer from each  
26 in-state or out-of-state class 3 brewery premises, and

1 shall not exceed 18,600 gallons annually in the aggregate,  
2 to retail licensees and class 3 brewers and to brewers,  
3 class 1 brewers, and class 2 brewers that, pursuant to  
4 subsection (e) of Section 6-4 of this Act, sell beer,  
5 cider, or both beer and cider to non-licensees at their  
6 breweries.

7 (D) A self-distribution exemption holder shall  
8 annually certify to the State Commission its manufacture  
9 of beer during the previous 12 months and its anticipated  
10 manufacture and sales of beer for the next 12 months. The  
11 State Commission may fine, suspend, or revoke a  
12 self-distribution exemption after a hearing if it finds  
13 that the exemption holder has made a material  
14 misrepresentation in its application, violated a revenue  
15 or alcoholic beverage law of Illinois, exceeded the  
16 manufacture of 465,000 gallons of beer in any calendar  
17 year or became part of an affiliated group manufacturing  
18 more than 465,000 gallons of beer, or exceeded the sale to  
19 retail licensees, brewers, class 1 brewers, class 2  
20 brewers, and class 3 brewers of 6,200 gallons per brewery  
21 location or 18,600 gallons in the aggregate.

22 (E) The State Commission may adopt rules governing  
23 self-distribution exemptions consistent with this Act.

24 (F) Nothing in this paragraph shall prohibit a  
25 self-distribution exemption holder from entering into or  
26 simultaneously having a distribution agreement with a

1 licensed Illinois importing distributor or a distributor.  
2 If a self-distribution exemption holder enters into a  
3 distribution agreement and has assigned distribution  
4 rights to an importing distributor or distributor, then  
5 the self-distribution exemption holder's distribution  
6 rights in the assigned territories shall cease in a  
7 reasonable time not to exceed 60 days.

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

16 (b) On or before April 30, 1999, the Commission shall  
17 present a written report to the Governor and the General  
18 Assembly that shall be based on a study of the impact of Public  
19 Act 90-739 on the business of soliciting, selling, and  
20 shipping alcoholic liquor from outside of this State directly  
21 to residents of this State.

22 As part of its report, the Commission shall provide the  
23 following information:

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

26 (ii) the amount of licensing fees received as a result

1 of Public Act 90-739;

2 (iii) the number of reported violations, the number of  
3 cease and desist notices issued by the Commission, the  
4 number of notices of violations issued to the Department  
5 of Revenue, and the number of notices and complaints of  
6 violations to law enforcement officials.

7 (Source: P.A. 101-37, eff. 7-3-19; 101-81, eff. 7-12-19;  
8 101-482, eff. 8-23-19; 102-442, eff. 8-20-21; 102-558, eff.  
9 8-20-21.)

10 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

11 (Text of Section before amendment by P.A. 101-668)

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

14 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
15 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
16 Manufacturer, Class 5. Second Class Wine Manufacturer, Class  
17 6. First Class Winemaker, Class 7. Second Class Winemaker,  
18 Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller,  
19 Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft  
20 Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,  
21 Class 14. Class 3 Brewer,

22 (b) Distributor's license,

23 (c) Importing Distributor's license,

24 (d) Retailer's license,

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



- 1 (f) Railroad license,
- 2 (g) Boat license,
- 3 (h) Non-Beverage User's license,
- 4 (i) Wine-maker's premises license,
- 5 (j) Airplane license,
- 6 (k) Foreign importer's license,
- 7 (l) Broker's license,
- 8 (m) Non-resident dealer's license,
- 9 (n) Brew Pub license,
- 10 (o) Auction liquor license,
- 11 (p) Caterer retailer license,
- 12 (q) Special use permit license,
- 13 (r) Winery shipper's license,
- 14 (s) Craft distiller tasting permit,
- 15 (t) Brewer warehouse permit,
- 16 (u) Distilling pub license,
- 17 (v) Craft distiller warehouse permit,
- 18 (w) Beer showcase permit.

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

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

1           Class 1. A Distiller may make sales and deliveries of  
2 alcoholic liquor to distillers, rectifiers, importing  
3 distributors, distributors and non-beverage users and to no  
4 other licensees.

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

9           Class 3. A Brewer may make sales and deliveries of beer to  
10 importing distributors and distributors and may make sales as  
11 authorized under subsection (e) of Section 6-4 of this Act,  
12 including any alcoholic liquor that subsection (e) of Section  
13 6-4 authorizes a brewer to sell in its original package only to  
14 a non-licensee for pick-up by a non-licensee either within the  
15 interior of the brewery premises or at outside of the brewery  
16 premises at a curb-side or parking lot adjacent to the brewery  
17 premises, subject to any local ordinance.

18           Class 4. A first class wine-manufacturer may make sales  
19 and deliveries of up to 50,000 gallons of wine to  
20 manufacturers, importing distributors and distributors, and to  
21 no other licensees. If a first-class wine-manufacturer  
22 manufactures beer, it shall also obtain and shall only be  
23 eligible for, in addition to any current license, a class 1  
24 brewer license, shall not manufacture more than 930,000  
25 gallons of beer per year, and shall not be a member of or  
26 affiliated with, directly or indirectly, a manufacturer that

1 produces more than 930,000 gallons of beer per year. If the  
2 first-class wine-manufacturer manufactures spirits, it shall  
3 also obtain and shall only be eligible for, in addition to any  
4 current license, a class 1 craft distiller license, shall not  
5 manufacture more than 50,000 gallons of spirits per year, and  
6 shall not be a member of or affiliated with, directly or  
7 indirectly, a manufacturer that produces more than 50,000  
8 gallons of spirits per year. A first-class wine-manufacturer  
9 shall be permitted to sell wine manufactured at the  
10 first-class wine-manufacturer premises to non-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. If a first-class wine-maker manufactures  
25 beer, it shall also obtain and shall only be eligible for, in  
26 addition to any current license, a class 1 brewer license,

1 shall not manufacture more than 930,000 gallons of beer per  
2 year, and shall not be a member of or affiliated with, directly  
3 or indirectly, a manufacturer that produces more than 930,000  
4 gallons of beer per year. If the first-class wine-maker  
5 manufactures spirits, it shall also obtain and shall only be  
6 eligible for, in addition to any current license, a class 1  
7 craft distiller license, shall not manufacture more than  
8 50,000 gallons of spirits per year, and shall not be a member  
9 of or affiliated with, directly or indirectly, a manufacturer  
10 that produces more than 50,000 gallons of spirits per year. ~~A~~  
11 ~~first-class wine-maker holding a class 1 brewer license or a~~  
12 ~~class 1 craft distiller license shall not be eligible for a~~  
13 ~~wine-maker's premises license but shall be permitted to sell~~  
14 ~~wine manufactured at the first-class wine-maker premises to~~  
15 ~~non-licensees.~~

16 Class 7. A second-class wine-maker's license shall allow  
17 the manufacture of up to 150,000 gallons of wine per year, and  
18 the storage and sale of such wine to distributors in this State  
19 and to persons without the State, as may be permitted by law. A  
20 person who, prior to June 1, 2008 (the effective date of Public  
21 Act 95-634), is a holder of a second-class wine-maker's  
22 license and annually produces more than 25,000 gallons of its  
23 own wine and who distributes its wine to licensed retailers  
24 shall cease this practice on or before July 1, 2008 in  
25 compliance with Public Act 95-634. If a second-class  
26 wine-maker manufactures beer, it shall also obtain and shall

1 only be eligible for, in addition to any current license, a  
2 class 2 brewer license, shall not manufacture more than  
3 3,720,000 gallons of beer per year, and shall not be a member  
4 of or affiliated with, directly or indirectly, a manufacturer  
5 that produces more than 3,720,000 gallons of beer per year. If  
6 a second-class wine-maker manufactures spirits, it shall also  
7 obtain and shall only be eligible for, in addition to any  
8 current license, a class 2 craft distiller license, shall not  
9 manufacture more than 100,000 gallons of spirits per year, and  
10 shall not be a member of or affiliated with, directly or  
11 indirectly, a manufacturer that produces more than 100,000  
12 gallons of spirits per year.

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

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

26 Class 10. A class 1 craft distiller license, which may

1 only be issued to a licensed craft distiller or licensed  
2 non-resident dealer, shall allow the manufacture of up to  
3 50,000 gallons of spirits per year provided that the class 1  
4 craft distiller licensee does not manufacture more than a  
5 combined 50,000 gallons of spirits per year and is not a member  
6 of or affiliated with, directly or indirectly, a manufacturer  
7 that produces more than 50,000 gallons of spirits per year. If  
8 a class 1 craft distiller manufactures beer, it shall also  
9 obtain and shall only be eligible for, in addition to any  
10 current license, a class 1 brewer license, shall not  
11 manufacture more than 930,000 gallons of beer per year, and  
12 shall not be a member of or affiliated with, directly or  
13 indirectly, a manufacturer that produces more than 930,000  
14 gallons of beer per year. If a class 1 craft distiller  
15 manufactures wine, it shall also obtain and shall only be  
16 eligible for, in addition to any current license, a  
17 first-class wine-manufacturer license or a first-class  
18 wine-maker's license, shall not manufacture more than 50,000  
19 gallons of wine per year, and shall not be a member of or  
20 affiliated with, directly or indirectly, a manufacturer that  
21 produces more than 50,000 gallons of wine per year. A class 1  
22 craft distiller licensee may make sales and deliveries to  
23 importing distributors and distributors and to retail  
24 licensees in accordance with the conditions set forth in  
25 paragraph (19) of subsection (a) of Section 3-12 of this Act.  
26 However, the aggregate amount of spirits sold to non-licensees

1 and sold or delivered to retail licensees may not exceed 5,000  
2 gallons per year.

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

11 A class 1 craft distiller licensee may hold more than one  
12 class 1 craft distiller's license. However, a class 1 craft  
13 distiller that holds more than one class 1 craft distiller  
14 license shall not manufacture, in the aggregate, more than  
15 50,000 gallons of spirits by distillation per year and shall  
16 not sell, in the aggregate, more than 5,000 gallons of such  
17 spirits to non-licensees in accordance with an exemption  
18 approved by the State Commission pursuant to Section 6-4 of  
19 this Act.

20 Class 11. A class 2 craft distiller license, which may  
21 only be issued to a licensed craft distiller or licensed  
22 non-resident dealer, shall allow the manufacture of up to  
23 100,000 gallons of spirits per year provided that the class 2  
24 craft distiller licensee does not manufacture more than a  
25 combined 100,000 gallons of spirits per year and is not a  
26 member of or affiliated with, directly or indirectly, a

1 manufacturer that produces more than 100,000 gallons of  
2 spirits per year. If a class 2 craft distiller manufactures  
3 beer, it shall also obtain and shall only be eligible for, in  
4 addition to any current license, a class 2 brewer license,  
5 shall not manufacture more than 3,720,000 gallons of beer per  
6 year, and shall not be a member of or affiliated with, directly  
7 or indirectly, a manufacturer that produces more than  
8 3,720,000 gallons of beer per year. If a class 2 craft  
9 distiller manufactures wine, it shall also obtain and shall  
10 only be eligible for, in addition to any current license, a  
11 second-class wine-maker's license, shall not manufacture more  
12 than 150,000 gallons of wine per year, and shall not be a  
13 member of or affiliated with, directly or indirectly, a  
14 manufacturer that produces more than 150,000 gallons of wine  
15 per year. A class 2 craft distiller licensee may make sales and  
16 deliveries to importing distributors and distributors, but  
17 shall not make sales or deliveries to any other licensee. If  
18 the State Commission provides prior approval, a class 2 craft  
19 distiller licensee may annually transfer up to 100,000 gallons  
20 of spirits manufactured by that class 2 craft distiller  
21 licensee to the premises of a licensed class 2 craft distiller  
22 wholly owned and operated by the same licensee. A class 2 craft  
23 distiller may transfer spirits to a distilling pub wholly  
24 owned and operated by the class 2 craft distiller subject to  
25 the following limitations and restrictions: (i) the transfer  
26 shall not annually exceed more than 5,000 gallons; (ii) the



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

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

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

22 Class 12. A class 1 brewer license, which may only be  
23 issued to a licensed brewer or licensed non-resident dealer,  
24 shall allow the manufacture of up to 930,000 gallons of beer  
25 per year provided that the class 1 brewer licensee does not  
26 manufacture more than a combined 930,000 gallons of beer per

1 year and is not a member of or affiliated with, directly or  
2 indirectly, a manufacturer that produces more than 930,000  
3 gallons of beer per year. If a class 1 brewer manufactures  
4 spirits, it shall also obtain and shall only be eligible for,  
5 in addition to any current license, a class 1 craft distiller  
6 license, shall not manufacture more than 50,000 gallons of  
7 spirits per year, and shall not be a member of or affiliated  
8 with, directly or indirectly, a manufacturer that produces  
9 more than 50,000 gallons of spirits per year. If a class 1  
10 craft brewer manufactures wine, it shall also obtain and shall  
11 only be eligible for, in addition to any current license, a  
12 first-class wine-manufacturer license or a first-class  
13 wine-maker's license, shall not manufacture more than 50,000  
14 gallons of wine per year, and shall not be a member of or  
15 affiliated with, directly or indirectly, a manufacturer that  
16 produces more than 50,000 gallons of wine per year. A class 1  
17 brewer licensee may make sales and deliveries to importing  
18 distributors and distributors and to retail licensees in  
19 accordance with the conditions set forth in paragraph (18) of  
20 subsection (a) of Section 3-12 of this Act. If the State  
21 Commission provides prior approval, a class 1 brewer may  
22 annually transfer up to 930,000 gallons of beer manufactured  
23 by that class 1 brewer to the premises of a licensed class 1  
24 brewer wholly owned and operated by the same licensee.

25 Class 13. A class 2 brewer license, which may only be  
26 issued to a licensed brewer or licensed non-resident dealer,

1 shall allow the manufacture of up to 3,720,000 gallons of beer  
2 per year provided that the class 2 brewer licensee does not  
3 manufacture more than a combined 3,720,000 gallons of beer per  
4 year and is not a member of or affiliated with, directly or  
5 indirectly, a manufacturer that produces more than 3,720,000  
6 gallons of beer per year. If a class 2 brewer manufactures  
7 spirits, it shall also obtain and shall only be eligible for,  
8 in addition to any current license, a class 2 craft distiller  
9 license, shall not manufacture more than 100,000 gallons of  
10 spirits per year, and shall not be a member of or affiliated  
11 with, directly or indirectly, a manufacturer that produces  
12 more than 100,000 gallons of spirits per year. If a class 2  
13 craft distiller manufactures wine, it shall also obtain and  
14 shall only be eligible for, in addition to any current  
15 license, a second-class wine-maker's license, shall not  
16 manufacture more than 150,000 gallons of wine per year, and  
17 shall not be a member of or affiliated with, directly or  
18 indirectly, a manufacturer that produces more than 150,000  
19 gallons of wine a year. A class 2 brewer licensee may make  
20 sales and deliveries to importing distributors and  
21 distributors, but shall not make sales or deliveries to any  
22 other licensee. If the State Commission provides prior  
23 approval, a class 2 brewer licensee may annually transfer up  
24 to 3,720,000 gallons of beer manufactured by that class 2  
25 brewer licensee to the premises of a licensed class 2 brewer  
26 wholly owned and operated by the same licensee.

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

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

19           Class 14. A class 3 brewer license, which may be issued to  
20 a brewer or a non-resident dealer, shall allow the manufacture  
21 of no more than 465,000 gallons of beer per year and no more  
22 than 155,000 gallons at a single brewery premises, and shall  
23 allow the sale of no more than 6,200 gallons of beer from each  
24 in-state or out-of-state class 3 brewery premises, or 18,600  
25 gallons in the aggregate, to retail licensees, class 1  
26 brewers, class 2 brewers, and class 3 brewers as long as the

1 class 3 brewer licensee does not manufacture more than a  
2 combined 465,000 gallons of beer per year and is not a member  
3 of or affiliated with, directly or indirectly, a manufacturer  
4 that produces more than 465,000 gallons of beer per year to  
5 make sales to importing distributors, distributors, retail  
6 licensees, brewers, class 1 brewers, class 2 brewers, and  
7 class 3 brewers in accordance with the conditions set forth in  
8 paragraph (20) of subsection (a) of Section 3-12. If the State  
9 Commission provides prior approval, a class 3 brewer may  
10 annually transfer up to 155,000 gallons of beer manufactured  
11 by that class 3 brewer to the premises of a licensed class 3  
12 brewer wholly owned and operated by the same licensee. A class  
13 3 brewer shall manufacture beer at the brewer's class 3  
14 designated licensed premises, and may sell beer as otherwise  
15 provided in this Act.

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

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

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

15 (b) A distributor's license shall allow (i) the wholesale  
16 purchase and storage of alcoholic liquors and sale of  
17 alcoholic liquors to licensees in this State and to persons  
18 without the State, as may be permitted by law; (ii) the sale of  
19 beer, cider, mead, or any combination thereof to brewers,  
20 class 1 brewers, and class 2 brewers that, pursuant to  
21 subsection (e) of Section 6-4 of this Act, sell beer, cider,  
22 mead, or any combination thereof to non-licensees at their  
23 breweries; (iii) the sale of vermouth to class 1 craft  
24 distillers and class 2 craft distillers that, pursuant to  
25 subsection (e) of Section 6-4 of this Act, sell spirits,  
26 vermouth, or both spirits and vermouth to non-licensees at

1 their distilleries; or (iv) as otherwise provided in this Act.  
2 No person licensed as a distributor shall be granted a  
3 non-resident dealer's license.

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

23 (d) A retailer's license shall allow the licensee to sell  
24 and offer for sale at retail, only in the premises specified in  
25 the license, alcoholic liquor for use or consumption, but not  
26 for resale in any form. Nothing in Public Act 95-634 shall

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

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

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



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

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

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

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

1 restaurant thereon.

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

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

17 (i) A wine-maker's premises license shall allow a licensee  
 18 that concurrently holds a first-class wine-maker's license to  
 19 sell and offer for sale at retail in the premises specified in  
 20 such license not more than 50,000 gallons of the first-class  
 21 wine-maker's wine that is made at the first-class wine-maker's  
 22 licensed premises per year for use or consumption, but not for  
 23 resale in any form. ~~A first class wine maker that concurrently~~  
 24 ~~holds a class 1 brewer license or a class 1 craft distiller~~  
 25 ~~license shall not be eligible to hold a wine maker's premises~~  
 26 ~~license.~~ A wine-maker's premises license shall allow a

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

23 (j) An airplane license shall permit the licensee to  
24 import alcoholic liquors into this State from any point in the  
25 United States outside this State and to store such alcoholic  
26 liquors in this State; to make wholesale purchases of

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

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

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

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

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

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

1 regulations prescribe.

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

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

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

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

24 (m) A non-resident dealer's license shall permit such  
25 licensee to ship into and warehouse alcoholic liquor into this  
26 State from any point outside of this State, and to sell such

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

17 (n) A brew pub license shall allow the licensee to only (i)  
18 manufacture up to 155,000 gallons of beer per year only on the  
19 premises specified in the license, (ii) make sales of the beer  
20 manufactured on the premises or, with the approval of the  
21 Commission, beer manufactured on another brew pub licensed  
22 premises that is wholly owned and operated by the same  
23 licensee to importing distributors, distributors, and to  
24 non-licensees for use and consumption, (iii) store the beer  
25 upon the premises, (iv) sell and offer for sale at retail from  
26 the licensed premises for off-premises consumption no more



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

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

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

1 liquor.

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

15 A brew pub licensee may apply for a class 3 brewer license  
16 and upon: (i) meeting all applicable qualifications of this  
17 Act, and relinquishing all commonly owned brew pub or retail  
18 licenses shall be issued a class 3 brewer license. Nothing in  
19 this Act shall prohibit the issuance of a class 3 brewer  
20 license if the applicant:

21 (1) has a valid retail license on or before May 1,  
22 2021;

23 (2) has an ownership interest in at least two brew  
24 pubs licenses on or before May 1, 2021;

25 (3) the brew pub licensee applies for a class 3 brewer  
26 license on or before October 1, 2022 and relinquishes all

1 commonly owned brew pub licenses; and

2 (4) relinquishes all commonly owned retail licenses on  
3 or before December 31, 2022.

4 If a brew pub licensee is issued a class 3 brewer license,  
5 the class 3 brewer license shall expire on the same date as the  
6 existing brew pub license and the State Commission shall not  
7 require a class 3 brewer licensee to obtain a brewer license,  
8 or in the alternative to pay a fee for a brewer license, until  
9 the date the brew pub license of the applicant would have  
10 expired.

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 (w) A beer showcase permit license shall allow an  
8 Illinois-licensed distributor to transfer a portion of its  
9 beer inventory from its licensed premises to the premises  
10 specified in the beer showcase permit license, and, in the  
11 case of a class 3 brewer, transfer only beer the class 3 brewer  
12 manufactures from its licensed premises to the premises  
13 specified in the beer showcase permit license; and to sell or  
14 offer for sale at retail, only in the premises specified in the  
15 beer showcase permit license, the transferred or delivered  
16 beer for on or off premise consumption, but not for resale in  
17 any form and to sell to non-licensees not more than 96 fluid  
18 ounces of beer per person. A beer showcase permit license may  
19 be granted for the following time periods: one day or less; or  
20 2 or more days to a maximum of 15 days per location in any  
21 12-month period. An applicant for a beer showcase permit  
22 license must also submit with the application proof  
23 satisfactory to the State Commission that the applicant will  
24 provide dram shop liability insurance to the maximum limits  
25 and have local authority approval. The State Commission shall  
26 require the beer showcase applicant to comply with Section

1 6-27.1.

2 (Source: P.A. 100-17, eff. 6-30-17; 100-201, eff. 8-18-17;  
3 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff.  
4 8-23-18; 101-16, eff. 6-14-19; 101-31, eff. 6-28-19; 101-81,  
5 eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff. 8-23-19;  
6 101-615, eff. 12-20-19; 102-442, eff. 8-20-21.)

7 (Text of Section after amendment by P.A. 101-668)

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

10 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
11 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
12 Manufacturer, Class 5. Second Class Wine Manufacturer, Class  
13 6. First Class Winemaker, Class 7. Second Class Winemaker,  
14 Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller,  
15 Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft  
16 Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,  
17 Class 14. Class 3 Brewer,

18 (b) Distributor's license,

19 (c) Importing Distributor's license,

20 (d) Retailer's license,

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

22 (f) Railroad license,

23 (g) Boat license,

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

25 (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 (w) Beer showcase permit.

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

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

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



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

5           Class 3. A Brewer may make sales and deliveries of beer to  
6 importing distributors and distributors and may make sales as  
7 authorized under subsection (e) of Section 6-4 of this Act,  
8 including any alcoholic liquor that subsection (e) of Section  
9 6-4 authorizes a brewer to sell in its original package only to  
10 a non-licensee for pick-up by a non-licensee either within the  
11 interior of the brewery premises or at outside of the brewery  
12 premises at a curb-side or parking lot adjacent to the brewery  
13 premises, subject to any local ordinance.

14           Class 4. A first class wine-manufacturer may make sales  
15 and deliveries of up to 50,000 gallons of wine to  
16 manufacturers, importing distributors and distributors, and to  
17 no other licensees. If a first-class wine-manufacturer  
18 manufactures beer, it shall also obtain and shall only be  
19 eligible for, in addition to any current license, a class 1  
20 brewer license, shall not manufacture more than 930,000  
21 gallons of beer per year, and shall not be a member of or  
22 affiliated with, directly or indirectly, a manufacturer that  
23 produces more than 930,000 gallons of beer per year. If the  
24 first-class wine-manufacturer manufactures spirits, it shall  
25 also obtain and shall only be eligible for, in addition to any  
26 current license, a class 1 craft distiller license, shall not

1 manufacture more than 50,000 gallons of spirits per year, and  
2 shall not be a member of or affiliated with, directly or  
3 indirectly, a manufacturer that produces more than 50,000  
4 gallons of spirits per year. A first-class wine-manufacturer  
5 shall be permitted to sell wine manufactured at the  
6 first-class wine-manufacturer premises to non-licensees.

7 Class 5. A second class Wine manufacturer may make sales  
8 and deliveries of more than 50,000 gallons of wine to  
9 manufacturers, importing distributors and distributors and to  
10 no other licensees.

11 Class 6. A first-class wine-maker's license shall allow  
12 the manufacture of up to 50,000 gallons of wine per year, and  
13 the storage and sale of such wine to distributors in the State  
14 and to persons without the State, as may be permitted by law. A  
15 person who, prior to June 1, 2008 (the effective date of Public  
16 Act 95-634), is a holder of a first-class wine-maker's license  
17 and annually produces more than 25,000 gallons of its own wine  
18 and who distributes its wine to licensed retailers shall cease  
19 this practice on or before July 1, 2008 in compliance with  
20 Public Act 95-634. If a first-class wine-maker manufactures  
21 beer, it shall also obtain and shall only be eligible for, in  
22 addition to any current license, a class 1 brewer license,  
23 shall not manufacture more than 930,000 gallons of beer per  
24 year, and shall not be a member of or affiliated with, directly  
25 or indirectly, a manufacturer that produces more than 930,000  
26 gallons of beer per year. If the first-class wine-maker

1 manufactures spirits, it shall also obtain and shall only be  
2 eligible for, in addition to any current license, a class 1  
3 craft distiller license, shall not manufacture more than  
4 50,000 gallons of spirits per year, and shall not be a member  
5 of or affiliated with, directly or indirectly, a manufacturer  
6 that produces more than 50,000 gallons of spirits per year. ~~A~~  
7 ~~first class wine maker holding a class 1 brewer license or a~~  
8 ~~class 1 craft distiller license shall not be eligible for a~~  
9 ~~wine maker's premises license but shall be permitted to sell~~  
10 ~~wine manufactured at the first class wine maker premises to~~  
11 ~~non-licensees.~~

12 Class 7. A second-class wine-maker's license shall allow  
13 the manufacture of up to 150,000 gallons of wine per year, and  
14 the storage and sale of such wine to distributors in this State  
15 and to persons without the State, as may be permitted by law. A  
16 person who, prior to June 1, 2008 (the effective date of Public  
17 Act 95-634), is a holder of a second-class wine-maker's  
18 license and annually produces more than 25,000 gallons of its  
19 own wine and who distributes its wine to licensed retailers  
20 shall cease this practice on or before July 1, 2008 in  
21 compliance with Public Act 95-634. If a second-class  
22 wine-maker manufactures beer, it shall also obtain and shall  
23 only be eligible for, in addition to any current license, a  
24 class 2 brewer license, shall not manufacture more than  
25 3,720,000 gallons of beer per year, and shall not be a member  
26 of or affiliated with, directly or indirectly, a manufacturer

1 that produces more than 3,720,000 gallons of beer per year. If  
2 a second-class wine-maker manufactures spirits, it shall also  
3 obtain and shall only be eligible for, in addition to any  
4 current license, a class 2 craft distiller license, shall not  
5 manufacture more than 100,000 gallons of spirits per year, and  
6 shall not be a member of or affiliated with, directly or  
7 indirectly, a manufacturer that produces more than 100,000  
8 gallons of spirits per year.

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. If  
4 a class 1 craft distiller manufactures beer, it shall also  
5 obtain and shall only be eligible for, in addition to any  
6 current license, a class 1 brewer license, shall not  
7 manufacture more than 930,000 gallons of beer per year, and  
8 shall not be a member of or affiliated with, directly or  
9 indirectly, a manufacturer that produces more than 930,000  
10 gallons of beer per year. If a class 1 craft distiller  
11 manufactures wine, it shall also obtain and shall only be  
12 eligible for, in addition to any current license, a  
13 first-class wine-manufacturer license or a first-class  
14 wine-maker's license, shall not manufacture more than 50,000  
15 gallons of wine per year, and shall not be a member of or  
16 affiliated with, directly or indirectly, a manufacturer that  
17 produces more than 50,000 gallons of wine per year. A class 1  
18 craft distiller licensee may make sales and deliveries to  
19 importing distributors and distributors and to retail  
20 licensees in accordance with the conditions set forth in  
21 paragraph (19) of subsection (a) of Section 3-12 of this Act.  
22 However, the aggregate amount of spirits sold to non-licensees  
23 and sold or delivered to retail licensees may not exceed 5,000  
24 gallons per year.

25 A class 1 craft distiller licensee may sell up to 5,000  
26 gallons of such spirits to non-licensees to the extent

1 permitted by any exemption approved by the State Commission  
2 pursuant to Section 6-4 of this Act. A class 1 craft distiller  
3 license holder may store such spirits at a non-contiguous  
4 licensed location, but at no time shall a class 1 craft  
5 distiller license holder directly or indirectly produce in the  
6 aggregate more than 50,000 gallons of spirits per year.

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

16 Class 11. A class 2 craft distiller license, which may  
17 only be issued to a licensed craft distiller or licensed  
18 non-resident dealer, shall allow the manufacture of up to  
19 100,000 gallons of spirits per year provided that the class 2  
20 craft distiller licensee does not manufacture more than a  
21 combined 100,000 gallons of spirits per year and is not a  
22 member of or affiliated with, directly or indirectly, a  
23 manufacturer that produces more than 100,000 gallons of  
24 spirits per year. If a class 2 craft distiller manufactures  
25 beer, it shall also obtain and shall only be eligible for, in  
26 addition to any current license, a class 2 brewer license,

1 shall not manufacture more than 3,720,000 gallons of beer per  
2 year, and shall not be a member of or affiliated with, directly  
3 or indirectly, a manufacturer that produces more than  
4 3,720,000 gallons of beer per year. If a class 2 craft  
5 distiller manufactures wine, it shall also obtain and shall  
6 only be eligible for, in addition to any current license, a  
7 second-class wine-maker's license, shall not manufacture more  
8 than 150,000 gallons of wine per year, and shall not be a  
9 member of or affiliated with, directly or indirectly, a  
10 manufacturer that produces more than 150,000 gallons of wine  
11 per year. A class 2 craft distiller licensee may make sales and  
12 deliveries to importing distributors and distributors, but  
13 shall not make sales or deliveries to any other licensee. If  
14 the State Commission provides prior approval, a class 2 craft  
15 distiller licensee may annually transfer up to 100,000 gallons  
16 of spirits manufactured by that class 2 craft distiller  
17 licensee to the premises of a licensed class 2 craft distiller  
18 wholly owned and operated by the same licensee. A class 2 craft  
19 distiller may transfer spirits to a distilling pub wholly  
20 owned and operated by the class 2 craft distiller subject to  
21 the following limitations and restrictions: (i) the transfer  
22 shall not annually exceed more than 5,000 gallons; (ii) the  
23 annual amount transferred shall reduce the distilling pub's  
24 annual permitted production limit; (iii) all spirits  
25 transferred shall be subject to Article VIII of this Act; (iv)  
26 a written record shall be maintained by the distiller and

1 distilling pub specifying the amount, date of delivery, and  
2 receipt of the product by the distilling pub; and (v) the  
3 distilling pub shall be located no farther than 80 miles from  
4 the class 2 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. If a class 1 brewer manufactures  
26 spirits, it shall also obtain and shall only be eligible for,



1 in addition to any current license, a class 1 craft distiller  
2 license, shall not manufacture more than 50,000 gallons of  
3 spirits per year, and shall not be a member of or affiliated  
4 with, directly or indirectly, a manufacturer that produces  
5 more than 50,000 gallons of spirits per year. If a class 1  
6 craft brewer manufactures wine, it shall also obtain and shall  
7 only be eligible for, in addition to any current license, a  
8 first-class wine-manufacturer license or a first-class  
9 wine-maker's license, shall not manufacture more than 50,000  
10 gallons of wine per year, and shall not be a member of or  
11 affiliated with, directly or indirectly, a manufacturer that  
12 produces more than 50,000 gallons of wine per year. A class 1  
13 brewer licensee may make sales and deliveries to importing  
14 distributors and distributors and to retail licensees in  
15 accordance with the conditions set forth in paragraph (18) of  
16 subsection (a) of Section 3-12 of this Act. If the State  
17 Commission provides prior approval, a class 1 brewer may  
18 annually transfer up to 930,000 gallons of beer manufactured  
19 by that class 1 brewer to the premises of a licensed class 1  
20 brewer wholly owned and operated by the same licensee.

21 Class 13. A class 2 brewer license, which may only be  
22 issued to a licensed brewer or licensed non-resident dealer,  
23 shall allow the manufacture of up to 3,720,000 gallons of beer  
24 per year provided that the class 2 brewer licensee does not  
25 manufacture more than a combined 3,720,000 gallons of beer per  
26 year and is not a member of or affiliated with, directly or

1 indirectly, a manufacturer that produces more than 3,720,000  
2 gallons of beer per year. If a class 2 brewer manufactures  
3 spirits, it shall also obtain and shall only be eligible for,  
4 in addition to any current license, a class 2 craft distiller  
5 license, shall not manufacture more than 100,000 gallons of  
6 spirits per year, and shall not be a member of or affiliated  
7 with, directly or indirectly, a manufacturer that produces  
8 more than 100,000 gallons of spirits per year. If a class 2  
9 craft distiller manufactures wine, it shall also obtain and  
10 shall only be eligible for, in addition to any current  
11 license, a second-class wine-maker's license, shall not  
12 manufacture more than 150,000 gallons of wine per year, and  
13 shall not be a member of or affiliated with, directly or  
14 indirectly, a manufacturer that produces more than 150,000  
15 gallons of wine a year. A class 2 brewer licensee may make  
16 sales and deliveries to importing distributors and  
17 distributors, but shall not make sales or deliveries to any  
18 other licensee. If the State Commission provides prior  
19 approval, a class 2 brewer licensee may annually transfer up  
20 to 3,720,000 gallons of beer manufactured by that class 2  
21 brewer licensee to the premises of a licensed class 2 brewer  
22 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 Class 14. A class 3 brewer license, which may be issued to  
16 a brewer or a non-resident dealer, shall allow the manufacture  
17 of no more than 465,000 gallons of beer per year and no more  
18 than 155,000 gallons at a single brewery premises, and shall  
19 allow the sale of no more than 6,200 gallons of beer from each  
20 in-state or out-of-state class 3 brewery premises, or 18,600  
21 gallons in the aggregate, to retail licensees, class 1  
22 brewers, class 2 brewers, and class 3 brewers as long as the  
23 class 3 brewer licensee does not manufacture more than a  
24 combined 465,000 gallons of beer per year and is not a member  
25 of or affiliated with, directly or indirectly, a manufacturer  
26 that produces more than 465,000 gallons of beer per year to

1 make sales to importing distributors, distributors, retail  
2 licensees, brewers, class 1 brewers, class 2 brewers, and  
3 class 3 brewers in accordance with the conditions set forth in  
4 paragraph (20) of subsection (a) of Section 3-12. If the State  
5 Commission provides prior approval, a class 3 brewer may  
6 annually transfer up to 155,000 gallons of beer manufactured  
7 by that class 3 brewer to the premises of a licensed class 3  
8 brewer wholly owned and operated by the same licensee. A class  
9 3 brewer shall manufacture beer at the brewer's class 3  
10 designated licensed premises, and may sell beer as otherwise  
11 provided in this Act.

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

20 Registration of agents, representatives, or persons acting  
21 on behalf of a manufacturer is fulfilled by submitting a form  
22 to the Commission. The form shall be developed by the  
23 Commission and shall include the name and address of the  
24 applicant, the name and address of the manufacturer he or she  
25 represents, the territory or areas assigned to sell to or  
26 discuss pricing terms of alcoholic liquor, and any other

1 questions deemed appropriate and necessary. All statements in  
2 the forms required to be made by law or by rule shall be deemed  
3 material, and any person who knowingly misstates any material  
4 fact under oath in an application is guilty of a Class B  
5 misdemeanor. Fraud, misrepresentation, false statements,  
6 misleading statements, evasions, or suppression of material  
7 facts in the securing of a registration are grounds for  
8 suspension or revocation of the registration. The State  
9 Commission shall post a list of registered agents on the  
10 Commission's website.

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

26 (c) An importing distributor's license may be issued to

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

19 (d) A retailer's license shall allow the licensee to sell  
20 and offer for sale at retail, only in the premises specified in  
21 the license, alcoholic liquor for use or consumption, but not  
22 for resale in any form. Except as provided in Section 6-16,  
23 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
24 remove, or restrict the ability of a holder of a retailer's  
25 license to transfer or ship alcoholic liquor to the purchaser  
26 for use or consumption subject to any applicable local law or

1 ordinance. For the purposes of this Section, "shipping" means  
2 the movement of alcoholic liquor from a licensed retailer to a  
3 consumer via a common carrier. Except as provided in Section  
4 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
5 remove, or restrict the ability of a holder of a retailer's  
6 license to deliver alcoholic liquor to the purchaser for use  
7 or consumption. The delivery shall be made only within 12  
8 hours from the time the alcoholic liquor leaves the licensed  
9 premises of the retailer for delivery. For the purposes of  
10 this Section, "delivery" means the movement of alcoholic  
11 liquor purchased from a licensed retailer to a consumer  
12 through the following methods:

13 (1) delivery within licensed retailer's parking lot,  
14 including curbside, for pickup by the consumer;

15 (2) delivery by an owner, officer, director,  
16 shareholder, or employee of the licensed retailer; or

17 (3) delivery by a third-party contractor, independent  
18 contractor, or agent with whom the licensed retailer has  
19 contracted to make deliveries of alcoholic liquors.

20 Under subsection (1), (2), or (3), delivery shall not  
21 include the use of common carriers.

22 Any retail license issued to a manufacturer shall only  
23 permit the manufacturer to sell beer at retail on the premises  
24 actually occupied by the manufacturer. For the purpose of  
25 further describing the type of business conducted at a retail  
26 licensed premises, a retailer's licensee may be designated by

1 the State Commission as (i) an on premise consumption  
2 retailer, (ii) an off premise sale retailer, or (iii) a  
3 combined on premise consumption and off premise sale retailer.

4 Except for a municipality with a population of more than  
5 1,000,000 inhabitants, a home rule unit may not regulate the  
6 delivery of alcoholic liquor inconsistent with this  
7 subsection. This paragraph is a limitation under subsection  
8 (i) of Section 6 of Article VII of the Illinois Constitution on  
9 the concurrent exercise by home rule units of powers and  
10 functions exercised by the State.

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

15 (e) A special event retailer's license (not-for-profit)  
16 shall permit the licensee to purchase alcoholic liquors from  
17 an Illinois licensed distributor (unless the licensee  
18 purchases less than \$500 of alcoholic liquors for the special  
19 event, in which case the licensee may purchase the alcoholic  
20 liquors from a licensed retailer) and shall allow the licensee  
21 to sell and offer for sale, at retail, alcoholic liquors for  
22 use or consumption, but not for resale in any form and only at  
23 the location and on the specific dates designated for the  
24 special event in the license. An applicant for a special event  
25 retailer license must (i) furnish with the application: (A) a  
26 resale number issued under Section 2c of the Retailers'



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

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

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

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

26 (h) A non-beverage user's license shall allow the licensee

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

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

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

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

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

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

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

1 be granted the right to sell such brands at wholesale, and  
2 (iii) the foreign importer complies with the provisions of  
3 Sections 6-5 and 6-6 of this Act to the same extent that these  
4 provisions apply to manufacturers.

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

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

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

26 (ii) A broker's license shall be required of a person

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

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

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

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

22 (m) A non-resident dealer's license shall permit such  
23 licensee to ship into and warehouse alcoholic liquor into this  
24 State from any point outside of this State, and to sell such  
25 alcoholic liquor to Illinois licensed foreign importers and  
26 importing distributors and to no one else in this State;

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

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



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

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

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

26 Notwithstanding any other provision of this Act, a

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

13 A brew pub licensee may apply for a class 3 brewer license  
14 and upon: (i) meeting all applicable qualifications of this  
15 Act, and relinquishing all commonly owned brew pub or retail  
16 licenses shall be issued a class 3 brewer license. Nothing in  
17 this Act shall prohibit the issuance of a class 3 brewer  
18 license if the applicant:

19 (1) has a valid retail license on or before May 1,  
20 2021;

21 (2) has an ownership interest in at least two brew  
22 pubs licenses on or before May 1, 2021;

23 (3) the brew pub licensee applies for a class 3 brewer  
24 license on or before October 1, 2022 and relinquishes all  
25 commonly owned brew pub licenses; and

26 (4) relinquishes all commonly owned retail licenses on

1 or before December 31, 2022.

2 If a brew pub licensee is issued a class 3 brewer license,  
3 the class 3 brewer license shall expire on the same date as the  
4 existing brew pub license and the State Commission shall not  
5 require a class 3 brewer licensee to obtain a brewer license,  
6 or in the alternative to pay a fee for a brewer license, until  
7 the date the brew pub license of the applicant would have  
8 expired.

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

19 Nothing in this Act prohibits a distributor or importing  
20 distributor from offering credit or a refund for unused,  
21 salable beer to a holder of a caterer retailer license or a  
22 caterer retailer licensee from accepting a credit or refund  
23 for unused, salable beer, in the event an act of God is the  
24 sole reason an off-site event is cancelled and if: (i) the  
25 holder of a caterer retailer license has not transferred  
26 alcoholic liquor from its caterer retailer premises to an

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

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

24 (p) An auction liquor license shall allow the licensee to  
25 sell and offer for sale at auction wine and spirits for use or  
26 consumption, or for resale by an Illinois liquor licensee in

1 accordance with provisions of this Act. An auction liquor  
2 license will be issued to a person and it will permit the  
3 auction liquor licensee to hold the auction anywhere in the  
4 State. An auction liquor license must be obtained for each  
5 auction at least 14 days in advance of the auction date.

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

23 A special use permit license shall allow the holder to  
24 transfer any inventory from the holder's special use premises  
25 to its retail premises at the conclusion of the special use  
26 event or engage a distributor or importing distributor to

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

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

24 (r) A winery shipper's license shall allow a person with a  
25 first-class or second-class wine manufacturer's license, a  
26 first-class or second-class wine-maker's license, or a limited

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

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

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



1 shall include the name and address of the third-party provider  
2 filing the statement, the time period covered by the  
3 statement, and the following information:

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

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

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

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

26 The State Commission shall adopt rules as soon as

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

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

26 A winery shipper licensee must collect, maintain, and

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

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

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

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

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

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

16 (u) A distilling pub license shall allow the licensee to  
17 only (i) manufacture up to 5,000 gallons of spirits per year  
18 only on the premises specified in the license, (ii) make sales  
19 of the spirits manufactured on the premises or, with the  
20 approval of the State Commission, spirits manufactured on  
21 another distilling pub licensed premises that is wholly owned  
22 and operated by the same licensee to importing distributors  
23 and distributors and to non-licensees for use and consumption,  
24 (iii) store the spirits upon the premises, (iv) sell and offer  
25 for sale at retail from the licensed premises for off-premises  
26 consumption no more than 5,000 gallons per year so long as such

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

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

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

23 (v) A craft distiller warehouse permit may be issued to  
24 the holder of a class 1 craft distiller or class 2 craft  
25 distiller license. The craft distiller warehouse permit shall  
26 allow the holder to store or warehouse up to 500,000 gallons of

1 spirits manufactured by the holder of the permit at the  
2 premises specified on the permit. Sales to non-licensees are  
3 prohibited at the premises specified in the craft distiller  
4 warehouse permit.

5 (w) A beer showcase permit license shall allow an  
6 Illinois-licensed distributor to transfer a portion of its  
7 beer inventory from its licensed premises to the premises  
8 specified in the beer showcase permit license, and, in the  
9 case of a class 3 brewer, transfer only beer the class 3 brewer  
10 manufactures from its licensed premises to the premises  
11 specified in the beer showcase permit license; and to sell or  
12 offer for sale at retail, only in the premises specified in the  
13 beer showcase permit license, the transferred or delivered  
14 beer for on or off premise consumption, but not for resale in  
15 any form and to sell to non-licensees not more than 96 fluid  
16 ounces of beer per person. A beer showcase permit license may  
17 be granted for the following time periods: one day or less; or  
18 2 or more days to a maximum of 15 days per location in any  
19 12-month period. An applicant for a beer showcase permit  
20 license must also submit with the application proof  
21 satisfactory to the State Commission that the applicant will  
22 provide dram shop liability insurance to the maximum limits  
23 and have local authority approval. The State Commission shall  
24 require the beer showcase applicant to comply with Section  
25 6-27.1.

26 (Source: P.A. 101-16, eff. 6-14-19; 101-31, eff. 6-28-19;

1 101-81, eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff.  
 2 8-23-19; 101-615, eff. 12-20-19; 101-668, eff. 1-1-22;  
 3 102-442, eff. 8-20-21.)

4 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

5 Sec. 5-3. License fees. Except as otherwise provided  
 6 herein, at the time application is made to the State  
 7 Commission for a license of any class, the applicant shall pay  
 8 to the State Commission the fee hereinafter provided for the  
 9 kind of license applied for.

10 The fee for licenses issued by the State Commission shall  
 11 be as follows:

	Online	Initial
	renewal	license
		or
		non-online
		renewal

17 For a manufacturer's license:

18	Class 1. Distiller .....	\$4,000	\$5,000
19	Class 2. Rectifier .....	4,000	5,000
20	Class 3. Brewer .....	1,200	1,500
21	Class 4. First-class Wine		
22	Manufacturer .....	<u>750</u> <del>1,200</del>	<u>900</u> <del>1,500</del>
23	Class 5. Second-class		
24	Wine Manufacturer.....	1,500	1,750
25	Class 6. First-class wine-maker....	<u>750</u> <del>1,200</del>	<u>900</u> <del>1,500</del>

1	Class 7. Second-class wine-maker ..	1,500	1,750
2	Class 8. Limited Wine		
3	Manufacturer .....	250	350
4	Class 9. Craft Distiller .....	2,000	2,500
5	Class 10. Class 1 Craft Distiller ..	50	75
6	Class 11. Class 2 Craft Distiller ..	75	100
7	Class 12. Class 1 Brewer .....	50	75
8	Class 13. Class 2 Brewer .....	75	100
9	Class 14. Class 3 Brewer .....	25	50
10	For a Brew Pub License .....	1,200	1,500
11	For a Distilling Pub License .....	1,200	1,500
12	For a caterer retailer's license ..	350	500
13	For a foreign importer's license ..	25	25
14	For an importing distributor's		
15	license.....	25	25
16	For a distributor's license		
17	(11,250,000 gallons		
18	or over) .....	1,450	2,200
19	For a distributor's license		
20	(over 4,500,000 gallons, but		
21	under 11,250,000 gallons) .....	950	1,450
22	For a distributor's license		
23	(4,500,000 gallons or under) ..	300	450
24	For a non-resident dealer's license		
25	(500,000 gallons or over)		
26	or with self-distribution		



1	privileges .....	1,200	1,500
2	For a non-resident dealer's license		
3	(under 500,000 gallons) .....	250	350
4	For a wine-maker's premises		
5	license.....	250	500
6	For a winery shipper's license		
7	(under 250,000 gallons) .....	200	350
8	For a winery shipper's license		
9	(250,000 or over, but		
10	under 500,000 gallons) .....	750	1,000
11	For a winery shipper's license		
12	(500,000 gallons or over) .....	1,200	1,500
13	For a wine-maker's premises		
14	license, second location .....	500	1,000
15	For a wine-maker's premises		
16	license, third location.....	500	1,000
17	For a retailer's license .....	600	750
18	For a special event retailer's		
19	license, (not-for-profit).....	25	25
20	For a beer showcase permit license,		
21	one day only .....	100	150
22	2 days or more .....	150	250
23	For a special use permit license,		
24	one day only .....	100	150
25	2 days or more .....	150	250
26	For a railroad license .....	100	150

1	For a boat license .....	500	1,000
2	For an airplane license, times the		
3	licensee's maximum number of		
4	aircraft in flight, serving		
5	liquor over the State at any		
6	given time, which either		
7	originate, terminate, or make		
8	an intermediate stop in		
9	the State.....	100	150
10	For a non-beverage user's license:		
11	Class 1.....	24	24
12	Class 2.....	60	60
13	Class 3.....	120	120
14	Class 4.....	240	240
15	Class 5.....	600	600
16	For a broker's license .....	750	1,000
17	For an auction liquor license .....	100	150
18	For a homebrewer special		
19	event permit .....	25	25
20	For a craft distiller		
21	tasting permit .....	25	25
22	For a BASSET trainer license .....	300	350
23	For a tasting representative		
24	license.....	200	300
25	For a brewer warehouse permit .....	25	25
26	For a craft distiller		

1 warehouse permit ..... 25 25

2 Fees collected under this Section shall be paid into the  
3 Dram Shop Fund. On and after July 1, 2003 and until June 30,  
4 2016, of the funds received for a retailer's license, in  
5 addition to the first \$175, an additional \$75 shall be paid  
6 into the Dram Shop Fund, and \$250 shall be paid into the  
7 General Revenue Fund. On and after June 30, 2016, one-half of  
8 the funds received for a retailer's license shall be paid into  
9 the Dram Shop Fund and one-half of the funds received for a  
10 retailer's license shall be paid into the General Revenue  
11 Fund. Beginning June 30, 1990 and on June 30 of each subsequent  
12 year through June 29, 2003, any balance over \$5,000,000  
13 remaining in the Dram Shop Fund shall be credited to State  
14 liquor licensees and applied against their fees for State  
15 liquor licenses for the following year. The amount credited to  
16 each licensee shall be a proportion of the balance in the Dram  
17 Fund that is the same as the proportion of the license fee paid  
18 by the licensee under this Section for the period in which the  
19 balance was accumulated to the aggregate fees paid by all  
20 licensees during that period.

21 No fee shall be paid for licenses issued by the State  
22 Commission to the following non-beverage users:

23 (a) Hospitals, sanitariums, or clinics when their use  
24 of alcoholic liquor is exclusively medicinal, mechanical  
25 or scientific.

26 (b) Universities, colleges of learning or schools when

1           their use of alcoholic liquor is exclusively medicinal,  
2           mechanical or scientific.

3           (c) Laboratories when their use is exclusively for the  
4           purpose of scientific research.

5           (Source: P.A. 101-482, eff. 8-23-19; 101-615, eff. 12-20-19;  
6           102-442, eff. 8-20-21; 102-558, eff. 8-20-21.)

7           Section 95. No acceleration or delay. Where this Act makes  
8           changes in a statute that is represented in this Act by text  
9           that is not yet or no longer in effect (for example, a Section  
10          represented by multiple versions), the use of that text does  
11          not accelerate or delay the taking effect of (i) the changes  
12          made by this Act or (ii) provisions derived from any other  
13          Public Act.

14          Section 99. Effective date. This Act takes effect upon  
15          becoming law.