



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3423

Introduced 2/17/2023, by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/1-3.43

235 ILCS 5/5-1

235 ILCS 5/6-40 new

235 ILCS 5/8-10.5

from Ch. 43, par. 115

Amends the Liquor Control Act of 1934. Authorizes a class 1 brewer or class 2 brewer to obtain a beer showcase permit. Makes conforming changes. Provides that a class 3 brewer licensee who meets certain criteria may obtain a self-distribution exemption to allow the sale of not more than 77,500 (instead of 6,200) gallons of beer from each in-state or out-of-state class 3 brewery premises, which shall not exceed 232,500 (instead of 18,600) gallons annually in the aggregate, to retail licensees and certain brewers. Provides that a class 2 brewer may transfer up to 139,500 gallons (instead of 31,000 gallons) of beer to a brew pub wholly owned and operated by the class 2 brewer. With regard to special event retailer's licenses and special use permit licenses, provides that those licenses shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for consumption on or off the premises specified in the license (instead of for use or consumption), but not for resale in any form. Removes a provision requiring certain brewers to file a report of their water usage. Provides that any retail licensee or licensed manufacturer with retail privileges may offer incentives to consumers for participation in a consumer loyalty and reward program.

LRB103 30931 RPS 57479 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 1-3.43, 5-1, and 8-10.5 and by adding  
6 Section 6-40 as follows:

7 (235 ILCS 5/1-3.43)

8 Sec. 1-3.43. Beer showcase permit ~~license~~. "Beer showcase  
9 permit" means a license for use by a class 1 brewer, class 2  
10 brewer, class 3 brewer, or distributor to allow for the  
11 transfer of beer only from an existing licensed premises of a  
12 class 1 brewer, class 2 brewer, class 3 brewer, or distributor  
13 to a designated site for a specific event.

14 (Source: P.A. 102-442, eff. 8-20-21; revised 2-28-22.)

15 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

18 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
19 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
20 Manufacturer, Class 5. Second Class Wine Manufacturer, Class  
21 6. First Class Winemaker, Class 7. Second Class Winemaker,  
22 Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller,

1 Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft  
2 Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,  
3 Class 14. Class 3 Brewer,

4 (b) Distributor's license,

5 (c) Importing Distributor's license,

6 (d) Retailer's license,

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

8 (f) Railroad license,

9 (g) Boat license,

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

11 (i) Wine-maker's premises license,

12 (j) Airplane license,

13 (k) Foreign importer's license,

14 (l) Broker's license,

15 (m) Non-resident dealer's license,

16 (n) Brew Pub license,

17 (o) Auction liquor license,

18 (p) Caterer retailer license,

19 (q) Special use permit license,

20 (r) Winery shipper's license,

21 (s) Craft distiller tasting permit,

22 (t) Brewer warehouse permit,

23 (u) Distilling pub license,

24 (v) Craft distiller warehouse permit,

25 (w) Beer showcase permit.

26 No person, firm, partnership, corporation, or other legal

1 business entity that is engaged in the manufacturing of wine  
2 may concurrently obtain and hold a wine-maker's license and a  
3 wine manufacturer's license.

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

8 Class 1. A Distiller may make sales and deliveries of  
9 alcoholic liquor to distillers, rectifiers, importing  
10 distributors, distributors and non-beverage users and to no  
11 other licensees.

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

16 Class 3. A Brewer may make sales and deliveries of beer to  
17 importing distributors and distributors and may make sales as  
18 authorized under subsection (e) of Section 6-4 of this Act,  
19 including any alcoholic liquor that subsection (e) of Section  
20 6-4 authorizes a brewer to sell in its original package only to  
21 a non-licensee for pick-up by a non-licensee either within the  
22 interior of the brewery premises or at outside of the brewery  
23 premises at a curb-side or parking lot adjacent to the brewery  
24 premises, subject to any local ordinance.

25 Class 4. A first class wine-manufacturer may make sales  
26 and deliveries of up to 50,000 gallons of wine to

1 manufacturers, importing distributors and distributors, and to  
2 no other licensees. If a first-class wine-manufacturer  
3 manufactures beer, it shall also obtain and shall only be  
4 eligible for, in addition to any current license, a class 1  
5 brewer license, shall not manufacture more than 930,000  
6 gallons of beer per year, and shall not be a member of or  
7 affiliated with, directly or indirectly, a manufacturer that  
8 produces more than 930,000 gallons of beer per year. If the  
9 first-class wine-manufacturer manufactures spirits, it shall  
10 also obtain and shall only be eligible for, in addition to any  
11 current license, a class 1 craft distiller license, shall not  
12 manufacture more than 50,000 gallons of spirits per year, and  
13 shall not be a member of or affiliated with, directly or  
14 indirectly, a manufacturer that produces more than 50,000  
15 gallons of spirits per year. A first-class wine-manufacturer  
16 shall be permitted to sell wine manufactured at the  
17 first-class wine-manufacturer premises to non-licensees.

18 Class 5. A second class Wine manufacturer may make sales  
19 and deliveries of more than 50,000 gallons of wine to  
20 manufacturers, importing distributors and distributors and to  
21 no other licensees.

22 Class 6. A first-class wine-maker's license shall allow  
23 the manufacture of up to 50,000 gallons of wine per year, and  
24 the storage and sale of such wine to distributors in the State  
25 and to persons without the State, as may be permitted by law. A  
26 person who, prior to June 1, 2008 (the effective date of Public

1 Act 95-634), is a holder of a first-class wine-maker's license  
2 and annually produces more than 25,000 gallons of its own wine  
3 and who distributes its wine to licensed retailers shall cease  
4 this practice on or before July 1, 2008 in compliance with  
5 Public Act 95-634. If a first-class wine-maker manufactures  
6 beer, it shall also obtain and shall only be eligible for, in  
7 addition to any current license, a class 1 brewer license,  
8 shall not manufacture more than 930,000 gallons of beer per  
9 year, and shall not be a member of or affiliated with, directly  
10 or indirectly, a manufacturer that produces more than 930,000  
11 gallons of beer per year. If the first-class wine-maker  
12 manufactures spirits, it shall also obtain and shall only be  
13 eligible for, in addition to any current license, a class 1  
14 craft distiller license, shall not manufacture more than  
15 50,000 gallons of spirits per year, and shall not be a member  
16 of or affiliated with, directly or indirectly, a manufacturer  
17 that produces more than 50,000 gallons of spirits per year. A  
18 first-class wine-maker holding a class 1 brewer license or a  
19 class 1 craft distiller license shall not be eligible for a  
20 wine-maker's premises license but shall be permitted to sell  
21 wine manufactured at the first-class wine-maker premises to  
22 non-licensees.

23 Class 7. A second-class wine-maker's license shall allow  
24 the manufacture of up to 150,000 gallons of wine per year, and  
25 the storage and sale of such wine to distributors in this State  
26 and to persons without the State, as may be permitted by law. A

1 person who, prior to June 1, 2008 (the effective date of Public  
2 Act 95-634), is a holder of a second-class wine-maker's  
3 license and annually produces more than 25,000 gallons of its  
4 own wine and who distributes its wine to licensed retailers  
5 shall cease this practice on or before July 1, 2008 in  
6 compliance with Public Act 95-634. If a second-class  
7 wine-maker manufactures beer, it shall also obtain and shall  
8 only be eligible for, in addition to any current license, a  
9 class 2 brewer license, shall not manufacture more than  
10 3,720,000 gallons of beer per year, and shall not be a member  
11 of or affiliated with, directly or indirectly, a manufacturer  
12 that produces more than 3,720,000 gallons of beer per year. If  
13 a second-class wine-maker manufactures spirits, it shall also  
14 obtain and shall only be eligible for, in addition to any  
15 current license, a class 2 craft distiller license, shall not  
16 manufacture more than 100,000 gallons of spirits per year, and  
17 shall not be a member of or affiliated with, directly or  
18 indirectly, a manufacturer that produces more than 100,000  
19 gallons of spirits per year.

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

24 Class 9. A craft distiller license, which may only be held  
25 by a class 1 craft distiller licensee or class 2 craft  
26 distiller licensee but not held by both a class 1 craft

1 distiller licensee and a class 2 craft distiller licensee,  
2 shall grant all rights conveyed by either: (i) a class 1 craft  
3 distiller license if the craft distiller holds a class 1 craft  
4 distiller license; or (ii) a class 2 craft distiller licensee  
5 if the craft distiller holds a class 2 craft distiller  
6 license.

7 Class 10. A class 1 craft distiller license, which may  
8 only be issued to a licensed craft distiller or licensed  
9 non-resident dealer, shall allow the manufacture of up to  
10 50,000 gallons of spirits per year provided that the class 1  
11 craft distiller licensee does not manufacture more than a  
12 combined 50,000 gallons of spirits per year and is not a member  
13 of or affiliated with, directly or indirectly, a manufacturer  
14 that produces more than 50,000 gallons of spirits per year. If  
15 a class 1 craft distiller manufactures beer, it shall also  
16 obtain and shall only be eligible for, in addition to any  
17 current license, a class 1 brewer license, shall not  
18 manufacture more than 930,000 gallons of beer per year, and  
19 shall not be a member of or affiliated with, directly or  
20 indirectly, a manufacturer that produces more than 930,000  
21 gallons of beer per year. If a class 1 craft distiller  
22 manufactures wine, it shall also obtain and shall only be  
23 eligible for, in addition to any current license, a  
24 first-class wine-manufacturer license or a first-class  
25 wine-maker's license, shall not manufacture more than 50,000  
26 gallons of wine per year, and shall not be a member of or



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

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

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

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

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

16 A class 2 craft distiller shall, prior to transferring  
17 spirits to a distilling pub wholly owned by the class 2 craft  
18 distiller, furnish a written notice to the State Commission of  
19 intent to transfer spirits setting forth the name and address  
20 of the distilling pub and shall annually submit to the State  
21 Commission a verified report identifying the total gallons of  
22 spirits transferred to the distilling pub wholly owned by the  
23 class 2 craft distiller.

24 A class 2 craft distiller license holder may store such  
25 spirits at a non-contiguous licensed location, but at no time  
26 shall a class 2 craft distiller license holder directly or

1 indirectly produce in the aggregate more than 100,000 gallons  
2 of spirits per year.

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

1 subsection (a) of Section 3-12 of this Act. If the State  
2 Commission provides prior approval, a class 1 brewer may  
3 annually transfer up to 930,000 gallons of beer manufactured  
4 by that class 1 brewer to the premises of a licensed class 1  
5 brewer wholly owned and operated by the same licensee.

6 Class 13. A class 2 brewer license, which may only be  
7 issued to a licensed brewer or licensed non-resident dealer,  
8 shall allow the manufacture of up to 3,720,000 gallons of beer  
9 per year provided that the class 2 brewer licensee does not  
10 manufacture more than a combined 3,720,000 gallons of beer per  
11 year and is not a member of or affiliated with, directly or  
12 indirectly, a manufacturer that produces more than 3,720,000  
13 gallons of beer per year. If a class 2 brewer manufactures  
14 spirits, it shall also obtain and shall only be eligible for,  
15 in addition to any current license, a class 2 craft distiller  
16 license, shall not manufacture more than 100,000 gallons of  
17 spirits per year, and shall not be a member of or affiliated  
18 with, directly or indirectly, a manufacturer that produces  
19 more than 100,000 gallons of spirits per year. If a class 2  
20 craft distiller manufactures wine, it shall also obtain and  
21 shall only be eligible for, in addition to any current  
22 license, a second-class wine-maker's license, shall not  
23 manufacture more than 150,000 gallons of wine per year, and  
24 shall not be a member of or affiliated with, directly or  
25 indirectly, a manufacturer that produces more than 150,000  
26 gallons of wine a year. A class 2 brewer licensee may make

1 sales and deliveries to importing distributors and  
2 distributors, but shall not make sales or deliveries to any  
3 other licensee. If the State Commission provides prior  
4 approval, a class 2 brewer licensee may annually transfer up  
5 to 3,720,000 gallons of beer manufactured by that class 2  
6 brewer licensee to the premises of a licensed class 2 brewer  
7 wholly owned and operated by the same licensee.

8 A class 2 brewer may transfer beer to a brew pub wholly  
9 owned and operated by the class 2 brewer subject to the  
10 following limitations and restrictions: (i) the transfer shall  
11 not annually exceed more than 139,500 ~~31,000~~ gallons; (ii) the  
12 annual amount transferred shall reduce the brew pub's annual  
13 permitted production limit; (iii) all beer transferred shall  
14 be subject to Article VIII of this Act; (iv) a written record  
15 shall be maintained by the brewer and brew pub specifying the  
16 amount, date of delivery, and receipt of the product by the  
17 brew pub; and (v) the brew pub shall be located no farther than  
18 80 miles from the class 2 brewer's licensed location.

19 A class 2 brewer shall, prior to transferring beer to a  
20 brew pub wholly owned by the class 2 brewer, furnish a written  
21 notice to the State Commission of intent to transfer beer  
22 setting forth the name and address of the brew pub and shall  
23 annually submit to the State Commission a verified report  
24 identifying the total gallons of beer transferred to the brew  
25 pub wholly owned by the class 2 brewer.

26 Class 14. A class 3 brewer license, which may be issued to

1 a brewer or a non-resident dealer, shall allow the manufacture  
2 of no more than 465,000 gallons of beer per year and no more  
3 than 155,000 gallons at a single brewery premises, and shall  
4 allow the sale of no more than 77,500 ~~6,200~~ gallons of beer  
5 from each in-state or out-of-state class 3 brewery premises,  
6 or 232,500 ~~18,600~~ gallons in the aggregate, to retail  
7 licensees, class 1 brewers, class 2 brewers, and class 3  
8 brewers as long as the class 3 brewer licensee does not  
9 manufacture more than a combined 465,000 gallons of beer per  
10 year and is not a member of or affiliated with, directly or  
11 indirectly, a manufacturer that produces more than 465,000  
12 gallons of beer per year to make sales to importing  
13 distributors, distributors, retail licensees, brewers, class 1  
14 brewers, class 2 brewers, and class 3 brewers in accordance  
15 with the conditions set forth in paragraph (20) of subsection  
16 (a) of Section 3-12. If the State Commission provides prior  
17 approval, a class 3 brewer may annually transfer up to 155,000  
18 gallons of beer manufactured by that class 3 brewer to the  
19 premises of a licensed class 3 brewer wholly owned and  
20 operated by the same licensee. A class 3 brewer shall  
21 manufacture beer at the brewer's class 3 designated licensed  
22 premises, and may sell beer as otherwise provided in this Act.

23 (a-1) A manufacturer which is licensed in this State to  
24 make sales or deliveries of alcoholic liquor to licensed  
25 distributors or importing distributors and which enlists  
26 agents, representatives, or individuals acting on its behalf

1 who contact licensed retailers on a regular and continual  
2 basis in this State must register those agents,  
3 representatives, or persons acting on its behalf with the  
4 State Commission.

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

22 (b) A distributor's license shall allow (i) the wholesale  
23 purchase and storage of alcoholic liquors and sale of  
24 alcoholic liquors to licensees in this State and to persons  
25 without the State, as may be permitted by law; (ii) the sale of  
26 beer, cider, mead, or any combination thereof to brewers,



1 class 1 brewers, and class 2 brewers that, pursuant to  
2 subsection (e) of Section 6-4 of this Act, sell beer, cider,  
3 mead, or any combination thereof to non-licensees at their  
4 breweries; (iii) the sale of vermouth to class 1 craft  
5 distillers and class 2 craft distillers that, pursuant to  
6 subsection (e) of Section 6-4 of this Act, sell spirits,  
7 vermouth, or both spirits and vermouth to non-licensees at  
8 their distilleries; or (iv) as otherwise provided in this Act.  
9 No person licensed as a distributor shall be granted a  
10 non-resident dealer's license.

11 (c) An importing distributor's license may be issued to  
12 and held by those only who are duly licensed distributors,  
13 upon the filing of an application by a duly licensed  
14 distributor, with the Commission and the Commission shall,  
15 without the payment of any fee, immediately issue such  
16 importing distributor's license to the applicant, which shall  
17 allow the importation of alcoholic liquor by the licensee into  
18 this State from any point in the United States outside this  
19 State, and the purchase of alcoholic liquor in barrels, casks  
20 or other bulk containers and the bottling of such alcoholic  
21 liquors before resale thereof, but all bottles or containers  
22 so filled shall be sealed, labeled, stamped and otherwise made  
23 to comply with all provisions, rules and regulations governing  
24 manufacturers in the preparation and bottling of alcoholic  
25 liquors. The importing distributor's license shall permit such  
26 licensee to purchase alcoholic liquor from Illinois licensed

1 non-resident dealers and foreign importers only. No person  
2 licensed as an importing distributor shall be granted a  
3 non-resident dealer's license.

4 (d) A retailer's license shall allow the licensee to sell  
5 and offer for sale at retail, only in the premises specified in  
6 the license, alcoholic liquor for use or consumption, but not  
7 for resale in any form. Except as provided in Section 6-16,  
8 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
9 remove, or restrict the ability of a holder of a retailer's  
10 license to transfer or ship alcoholic liquor to the purchaser  
11 for use or consumption subject to any applicable local law or  
12 ordinance. For the purposes of this Section, "shipping" means  
13 the movement of alcoholic liquor from a licensed retailer to a  
14 consumer via a common carrier. Except as provided in Section  
15 6-16, 6-29, or 6-29.1, nothing in this Act shall deny, limit,  
16 remove, or restrict the ability of a holder of a retailer's  
17 license to deliver alcoholic liquor to the purchaser for use  
18 or consumption. The delivery shall be made only within 12  
19 hours from the time the alcoholic liquor leaves the licensed  
20 premises of the retailer for delivery. For the purposes of  
21 this Section, "delivery" means the movement of alcoholic  
22 liquor purchased from a licensed retailer to a consumer  
23 through the following methods:

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

26 (2) delivery by an owner, officer, director,

1           shareholder, or employee of the licensed retailer; or

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

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

7           Any retail license issued to a manufacturer shall only  
8           permit the manufacturer to sell beer at retail on the premises  
9           actually occupied by the manufacturer. For the purpose of  
10          further describing the type of business conducted at a retail  
11          licensed premises, a retailer's licensee may be designated by  
12          the State Commission as (i) an on premise consumption  
13          retailer, (ii) an off premise sale retailer, or (iii) a  
14          combined on premise consumption and off premise sale retailer.

15          Except for a municipality with a population of more than  
16          1,000,000 inhabitants, a home rule unit may not regulate the  
17          delivery of alcoholic liquor inconsistent with this  
18          subsection. This paragraph is a limitation under subsection  
19          (i) of Section 6 of Article VII of the Illinois Constitution on  
20          the concurrent exercise by home rule units of powers and  
21          functions exercised by the State.

22          Notwithstanding any other provision of this subsection  
23          (d), a retail licensee may sell alcoholic liquors to a special  
24          event retailer licensee for resale to the extent permitted  
25          under subsection (e).

26          (e) A special event retailer's license (not-for-profit)

1 shall permit the licensee to purchase alcoholic liquors from  
2 an Illinois licensed distributor (unless the licensee  
3 purchases less than \$500 of alcoholic liquors for the special  
4 event, in which case the licensee may purchase the alcoholic  
5 liquors from a licensed retailer) and shall allow the licensee  
6 to sell and offer for sale, at retail, alcoholic liquors for  
7 consumption on or off the premises specified in the license  
8 ~~use or consumption~~, but not for resale in any form and only at  
9 the location and on the specific dates designated for the  
10 special event in the license. An applicant for a special event  
11 retailer license must (i) furnish with the application: (A) a  
12 resale number issued under Section 2c of the Retailers'  
13 Occupation Tax Act or evidence that the applicant is  
14 registered under Section 2a of the Retailers' Occupation Tax  
15 Act, (B) a current, valid exemption identification number  
16 issued under Section 1g of the Retailers' Occupation Tax Act,  
17 and a certification to the Commission that the purchase of  
18 alcoholic liquors will be a tax-exempt purchase, or (C) a  
19 statement that the applicant is not registered under Section  
20 2a of the Retailers' Occupation Tax Act, does not hold a resale  
21 number under Section 2c of the Retailers' Occupation Tax Act,  
22 and does not hold an exemption number under Section 1g of the  
23 Retailers' Occupation Tax Act, in which event the Commission  
24 shall set forth on the special event retailer's license a  
25 statement to that effect; (ii) submit with the application  
26 proof satisfactory to the State Commission that the applicant

1 will provide dram shop liability insurance in the maximum  
2 limits; and (iii) show proof satisfactory to the State  
3 Commission that the applicant has obtained local authority  
4 approval.

5 Nothing in this Act prohibits an Illinois licensed  
6 distributor from offering credit or a refund for unused,  
7 salable alcoholic liquors to a holder of a special event  
8 retailer's license or the special event retailer's licensee  
9 from accepting the credit or refund of alcoholic liquors at  
10 the conclusion of the event specified in the license.

11 (f) A railroad license shall permit the licensee to import  
12 alcoholic liquors into this State from any point in the United  
13 States outside this State and to store such alcoholic liquors  
14 in this State; to make wholesale purchases of alcoholic  
15 liquors directly from manufacturers, foreign importers,  
16 distributors and importing distributors from within or outside  
17 this State; and to store such alcoholic liquors in this State;  
18 provided that the above powers may be exercised only in  
19 connection with the importation, purchase or storage of  
20 alcoholic liquors to be sold or dispensed on a club, buffet,  
21 lounge or dining car operated on an electric, gas or steam  
22 railway in this State; and provided further, that railroad  
23 licensees exercising the above powers shall be subject to all  
24 provisions of Article VIII of this Act as applied to importing  
25 distributors. A railroad license shall also permit the  
26 licensee to sell or dispense alcoholic liquors on any club,

1 buffet, lounge or dining car operated on an electric, gas or  
 2 steam railway regularly operated by a common carrier in this  
 3 State, but shall not permit the sale for resale of any  
 4 alcoholic liquors to any licensee within this State. A license  
 5 shall be obtained for each car in which such sales are made.

6 (g) A boat license shall allow the sale of alcoholic  
 7 liquor in individual drinks, on any passenger boat regularly  
 8 operated as a common carrier on navigable waters in this State  
 9 or on any riverboat operated under the Illinois Gambling Act,  
 10 which boat or riverboat maintains a public dining room or  
 11 restaurant thereon.

12 (h) A non-beverage user's license shall allow the licensee  
 13 to purchase alcoholic liquor from a licensed manufacturer or  
 14 importing distributor, without the imposition of any tax upon  
 15 the business of such licensed manufacturer or importing  
 16 distributor as to such alcoholic liquor to be used by such  
 17 licensee solely for the non-beverage purposes set forth in  
 18 subsection (a) of Section 8-1 of this Act, and such licenses  
 19 shall be divided and classified and shall permit the purchase,  
 20 possession and use of limited and stated quantities of  
 21 alcoholic liquor as follows:

- 22 Class 1, not to exceed ..... 500 gallons
- 23 Class 2, not to exceed ..... 1,000 gallons
- 24 Class 3, not to exceed ..... 5,000 gallons
- 25 Class 4, not to exceed ..... 10,000 gallons
- 26 Class 5, not to exceed ..... 50,000 gallons

1 (i) A wine-maker's premises license shall allow a licensee  
2 that concurrently holds a first-class wine-maker's license to  
3 sell and offer for sale at retail in the premises specified in  
4 such license not more than 50,000 gallons of the first-class  
5 wine-maker's wine that is made at the first-class wine-maker's  
6 licensed premises per year for use or consumption, but not for  
7 resale in any form. A wine-maker's premises license shall  
8 allow a licensee who concurrently holds a second-class  
9 wine-maker's license to sell and offer for sale at retail in  
10 the premises specified in such license up to 100,000 gallons  
11 of the second-class wine-maker's wine that is made at the  
12 second-class wine-maker's licensed premises per year for use  
13 or consumption but not for resale in any form. A first-class  
14 wine-maker that concurrently holds a class 1 brewer license or  
15 a class 1 craft distiller license shall not be eligible to hold  
16 a wine-maker's premises license. A wine-maker's premises  
17 license shall allow a licensee that concurrently holds a  
18 first-class wine-maker's license or a second-class  
19 wine-maker's license to sell and offer for sale at retail at  
20 the premises specified in the wine-maker's premises license,  
21 for use or consumption but not for resale in any form, any  
22 beer, wine, and spirits purchased from a licensed distributor.  
23 Upon approval from the State Commission, a wine-maker's  
24 premises license shall allow the licensee to sell and offer  
25 for sale at (i) the wine-maker's licensed premises and (ii) at  
26 up to 2 additional locations for use and consumption and not

1 for resale. Each location shall require additional licensing  
2 per location as specified in Section 5-3 of this Act. A  
3 wine-maker's premises licensee shall secure liquor liability  
4 insurance coverage in an amount at least equal to the maximum  
5 liability amounts set forth in subsection (a) of Section 6-21  
6 of this Act.

7 (j) An airplane license shall permit the licensee to  
8 import alcoholic liquors into this State from any point in the  
9 United States outside this State and to store such alcoholic  
10 liquors in this State; to make wholesale purchases of  
11 alcoholic liquors directly from manufacturers, foreign  
12 importers, distributors and importing distributors from within  
13 or outside this State; and to store such alcoholic liquors in  
14 this State; provided that the above powers may be exercised  
15 only in connection with the importation, purchase or storage  
16 of alcoholic liquors to be sold or dispensed on an airplane;  
17 and provided further, that airplane licensees exercising the  
18 above powers shall be subject to all provisions of Article  
19 VIII of this Act as applied to importing distributors. An  
20 airplane licensee shall also permit the sale or dispensing of  
21 alcoholic liquors on any passenger airplane regularly operated  
22 by a common carrier in this State, but shall not permit the  
23 sale for resale of any alcoholic liquors to any licensee  
24 within this State. A single airplane license shall be required  
25 of an airline company if liquor service is provided on board  
26 aircraft in this State. The annual fee for such license shall



1 be as determined in Section 5-3.

2 (k) A foreign importer's license shall permit such  
3 licensee to purchase alcoholic liquor from Illinois licensed  
4 non-resident dealers only, and to import alcoholic liquor  
5 other than in bulk from any point outside the United States and  
6 to sell such alcoholic liquor to Illinois licensed importing  
7 distributors and to no one else in Illinois; provided that (i)  
8 the foreign importer registers with the State Commission every  
9 brand of alcoholic liquor that it proposes to sell to Illinois  
10 licensees during the license period, (ii) the foreign importer  
11 complies with all of the provisions of Section 6-9 of this Act  
12 with respect to registration of such Illinois licensees as may  
13 be granted the right to sell such brands at wholesale, and  
14 (iii) the foreign importer complies with the provisions of  
15 Sections 6-5 and 6-6 of this Act to the same extent that these  
16 provisions apply to manufacturers.

17 (l) (i) A broker's license shall be required of all  
18 persons who solicit orders for, offer to sell or offer to  
19 supply alcoholic liquor to retailers in the State of Illinois,  
20 or who offer to retailers to ship or cause to be shipped or to  
21 make contact with distillers, craft distillers, rectifiers,  
22 brewers or manufacturers or any other party within or without  
23 the State of Illinois in order that alcoholic liquors be  
24 shipped to a distributor, importing distributor or foreign  
25 importer, whether such solicitation or offer is consummated  
26 within or without the State of Illinois.

1           No holder of a retailer's license issued by the Illinois  
2 Liquor Control Commission shall purchase or receive any  
3 alcoholic liquor, the order for which was solicited or offered  
4 for sale to such retailer by a broker unless the broker is the  
5 holder of a valid broker's license.

6           The broker shall, upon the acceptance by a retailer of the  
7 broker's solicitation of an order or offer to sell or supply or  
8 deliver or have delivered alcoholic liquors, promptly forward  
9 to the Illinois Liquor Control Commission a notification of  
10 said transaction in such form as the Commission may by  
11 regulations prescribe.

12           (ii) A broker's license shall be required of a person  
13 within this State, other than a retail licensee, who, for a fee  
14 or commission, promotes, solicits, or accepts orders for  
15 alcoholic liquor, for use or consumption and not for resale,  
16 to be shipped from this State and delivered to residents  
17 outside of this State by an express company, common carrier,  
18 or contract carrier. This Section does not apply to any person  
19 who promotes, solicits, or accepts orders for wine as  
20 specifically authorized in Section 6-29 of this Act.

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

25           This subsection (1) shall not apply to distributors,  
26 employees of distributors, or employees of a manufacturer who

1 has registered the trademark, brand or name of the alcoholic  
2 liquor pursuant to Section 6-9 of this Act, and who regularly  
3 sells such alcoholic liquor in the State of Illinois only to  
4 its registrants thereunder.

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

8 (m) A non-resident dealer's license shall permit such  
9 licensee to ship into and warehouse alcoholic liquor into this  
10 State from any point outside of this State, and to sell such  
11 alcoholic liquor to Illinois licensed foreign importers and  
12 importing distributors and to no one else in this State;  
13 provided that (i) said non-resident dealer shall register with  
14 the Illinois Liquor Control Commission each and every brand of  
15 alcoholic liquor which it proposes to sell to Illinois  
16 licensees during the license period, (ii) it shall comply with  
17 all of the provisions of Section 6-9 hereof with respect to  
18 registration of such Illinois licensees as may be granted the  
19 right to sell such brands at wholesale by duly filing such  
20 registration statement, thereby authorizing the non-resident  
21 dealer to proceed to sell such brands at wholesale, and (iii)  
22 the non-resident dealer shall comply with the provisions of  
23 Sections 6-5 and 6-6 of this Act to the same extent that these  
24 provisions apply to manufacturers. No person licensed as a  
25 non-resident dealer shall be granted a distributor's or  
26 importing distributor's license.

1 (n) A brew pub license shall allow the licensee to only (i)  
2 manufacture up to 155,000 gallons of beer per year only on the  
3 premises specified in the license, (ii) make sales of the beer  
4 manufactured on the premises or, with the approval of the  
5 Commission, beer manufactured on another brew pub licensed  
6 premises that is wholly owned and operated by the same  
7 licensee to importing distributors, distributors, and to  
8 non-licensees for use and consumption, (iii) store the beer  
9 upon the premises, (iv) sell and offer for sale at retail from  
10 the licensed premises for off-premises consumption no more  
11 than 155,000 gallons per year so long as such sales are only  
12 made in-person, (v) sell and offer for sale at retail for use  
13 and consumption on the premises specified in the license any  
14 form of alcoholic liquor purchased from a licensed distributor  
15 or importing distributor, (vi) with the prior approval of the  
16 Commission, annually transfer no more than 155,000 gallons of  
17 beer manufactured on the premises to a licensed brew pub  
18 wholly owned and operated by the same licensee, and (vii)  
19 notwithstanding item (i) of this subsection, brew pubs wholly  
20 owned and operated by the same licensee may combine each  
21 location's production limit of 155,000 gallons of beer per  
22 year and allocate the aggregate total between the wholly  
23 owned, operated, and licensed locations.

24 A brew pub licensee shall not under any circumstance sell  
25 or offer for sale beer manufactured by the brew pub licensee to  
26 retail licensees.

1           A person who holds a class 2 brewer license may  
2 simultaneously hold a brew pub license if the class 2 brewer  
3 (i) does not, under any circumstance, sell or offer for sale  
4 beer manufactured by the class 2 brewer to retail licensees;  
5 (ii) does not hold more than 3 brew pub licenses in this State;  
6 (iii) does not manufacture more than a combined 3,720,000  
7 gallons of beer per year, including the beer manufactured at  
8 the brew pub; and (iv) is not a member of or affiliated with,  
9 directly or indirectly, a manufacturer that produces more than  
10 3,720,000 gallons of beer per year or any other alcoholic  
11 liquor.

12           Notwithstanding any other provision of this Act, a  
13 licensed brewer, class 2 brewer, or non-resident dealer who  
14 before July 1, 2015 manufactured less than 3,720,000 gallons  
15 of beer per year and held a brew pub license on or before July  
16 1, 2015 may (i) continue to qualify for and hold that brew pub  
17 license for the licensed premises and (ii) manufacture more  
18 than 3,720,000 gallons of beer per year and continue to  
19 qualify for and hold that brew pub license if that brewer,  
20 class 2 brewer, or non-resident dealer does not simultaneously  
21 hold a class 1 brewer license and is not a member of or  
22 affiliated with, directly or indirectly, a manufacturer that  
23 produces more than 3,720,000 gallons of beer per year or that  
24 produces any other alcoholic liquor.

25           A brew pub licensee may apply for a class 3 brewer license  
26 and, upon ~~the~~ ~~(i)~~ meeting all applicable qualifications of this

1 Act, and relinquishing all commonly owned brew pub or retail  
2 licenses, shall be issued a class 3 brewer license. Nothing in  
3 this Act shall prohibit the issuance of a class 3 brewer  
4 license if the applicant:

5 (1) has a valid retail license on or before May 1,  
6 2021;

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

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

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

14 If a brew pub licensee is issued a class 3 brewer license,  
15 the class 3 brewer license shall expire on the same date as the  
16 existing brew pub license and the State Commission shall not  
17 require a class 3 brewer licensee to obtain a brewer license,  
18 or in the alternative to pay a fee for a brewer license, until  
19 the date the brew pub license of the applicant would have  
20 expired.

21 (o) A caterer retailer license shall allow the holder to  
22 serve alcoholic liquors as an incidental part of a food  
23 service that serves prepared meals which excludes the serving  
24 of snacks as the primary meal, either on or off-site whether  
25 licensed or unlicensed. A caterer retailer license shall allow  
26 the holder, a distributor, or an importing distributor to

1 transfer any inventory to and from the holder's retail  
2 premises and shall allow the holder to purchase alcoholic  
3 liquor from a distributor or importing distributor to be  
4 delivered directly to an off-site event.

5 Nothing in this Act prohibits a distributor or importing  
6 distributor from offering credit or a refund for unused,  
7 salable beer to a holder of a caterer retailer license or a  
8 caterer retailer licensee from accepting a credit or refund  
9 for unused, salable beer, in the event an act of God is the  
10 sole reason an off-site event is cancelled and if: (i) the  
11 holder of a caterer retailer license has not transferred  
12 alcoholic liquor from its caterer retailer premises to an  
13 off-site location; (ii) the distributor or importing  
14 distributor offers the credit or refund for the unused,  
15 salable beer that it delivered to the off-site premises and  
16 not for any unused, salable beer that the distributor or  
17 importing distributor delivered to the caterer retailer's  
18 premises; and (iii) the unused, salable beer would likely  
19 spoil if transferred to the caterer retailer's premises. A  
20 caterer retailer license shall allow the holder to transfer  
21 any inventory from any off-site location to its caterer  
22 retailer premises at the conclusion of an off-site event or  
23 engage a distributor or importing distributor to transfer any  
24 inventory from any off-site location to its caterer retailer  
25 premises at the conclusion of an off-site event, provided that  
26 the distributor or importing distributor issues bona fide

1 charges to the caterer retailer licensee for fuel, labor, and  
2 delivery and the distributor or importing distributor collects  
3 payment from the caterer retailer licensee prior to the  
4 distributor or importing distributor transferring inventory to  
5 the caterer retailer premises.

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

10 (p) An auction liquor license shall allow the licensee to  
11 sell and offer for sale at auction wine and spirits for use or  
12 consumption, or for resale by an Illinois liquor licensee in  
13 accordance with provisions of this Act. An auction liquor  
14 license will be issued to a person and it will permit the  
15 auction liquor licensee to hold the auction anywhere in the  
16 State. An auction liquor license must be obtained for each  
17 auction at least 14 days in advance of the auction date.

18 (q) A special use permit license shall allow an Illinois  
19 licensed retailer to transfer a portion of its alcoholic  
20 liquor inventory from its retail licensed premises to the  
21 premises specified in the license hereby created; to purchase  
22 alcoholic liquor from a distributor or importing distributor  
23 to be delivered directly to the location specified in the  
24 license hereby created; and to sell or offer for sale at  
25 retail, only in the premises specified in the license hereby  
26 created, the transferred or delivered alcoholic liquor for



1 consumption on or off the premises specified in the license  
2 ~~use or consumption~~, but not for resale in any form. A special  
3 use permit license may be granted for the following time  
4 periods: one day or less; 2 or more days to a maximum of 15  
5 days per location in any 12-month period. An applicant for the  
6 special use permit license must also submit with the  
7 application proof satisfactory to the State Commission that  
8 the applicant will provide dram shop liability insurance to  
9 the maximum limits and have local authority approval.

10 A special use permit license shall allow the holder to  
11 transfer any inventory from the holder's special use premises  
12 to its retail premises at the conclusion of the special use  
13 event or engage a distributor or importing distributor to  
14 transfer any inventory from the holder's special use premises  
15 to its retail premises at the conclusion of an off-site event,  
16 provided that the distributor or importing distributor issues  
17 bona fide charges to the special use permit licensee for fuel,  
18 labor, and delivery and the distributor or importing  
19 distributor collects payment from the retail licensee prior to  
20 the distributor or importing distributor transferring  
21 inventory to the retail premises.

22 Nothing in this Act prohibits a distributor or importing  
23 distributor from offering credit or a refund for unused,  
24 salable beer to a special use permit licensee or a special use  
25 permit licensee from accepting a credit or refund for unused,  
26 salable beer at the conclusion of the event specified in the

1 license if: (i) the holder of the special use permit license  
2 has not transferred alcoholic liquor from its retail licensed  
3 premises to the premises specified in the special use permit  
4 license; (ii) the distributor or importing distributor offers  
5 the credit or refund for the unused, salable beer that it  
6 delivered to the premises specified in the special use permit  
7 license and not for any unused, salable beer that the  
8 distributor or importing distributor delivered to the  
9 retailer's premises; and (iii) the unused, salable beer would  
10 likely spoil if transferred to the retailer premises.

11 (r) A winery shipper's license shall allow a person with a  
12 first-class or second-class wine manufacturer's license, a  
13 first-class or second-class wine-maker's license, or a limited  
14 wine manufacturer's license or who is licensed to make wine  
15 under the laws of another state to ship wine made by that  
16 licensee directly to a resident of this State who is 21 years  
17 of age or older for that resident's personal use and not for  
18 resale. Prior to receiving a winery shipper's license, an  
19 applicant for the license must provide the Commission with a  
20 true copy of its current license in any state in which it is  
21 licensed as a manufacturer of wine. An applicant for a winery  
22 shipper's license must also complete an application form that  
23 provides any other information the Commission deems necessary.  
24 The application form shall include all addresses from which  
25 the applicant for a winery shipper's license intends to ship  
26 wine, including the name and address of any third party,

1 except for a common carrier, authorized to ship wine on behalf  
2 of the manufacturer. The application form shall include an  
3 acknowledgement consenting to the jurisdiction of the  
4 Commission, the Illinois Department of Revenue, and the courts  
5 of this State concerning the enforcement of this Act and any  
6 related laws, rules, and regulations, including authorizing  
7 the Department of Revenue and the Commission to conduct audits  
8 for the purpose of ensuring compliance with Public Act 95-634,  
9 and an acknowledgement that the wine manufacturer is in  
10 compliance with Section 6-2 of this Act. Any third party,  
11 except for a common carrier, authorized to ship wine on behalf  
12 of a first-class or second-class wine manufacturer's licensee,  
13 a first-class or second-class wine-maker's licensee, a limited  
14 wine manufacturer's licensee, or a person who is licensed to  
15 make wine under the laws of another state shall also be  
16 disclosed by the winery shipper's licensee, and a copy of the  
17 written appointment of the third-party wine provider, except  
18 for a common carrier, to the wine manufacturer shall be filed  
19 with the State Commission as a supplement to the winery  
20 shipper's license application or any renewal thereof. The  
21 winery shipper's license holder shall affirm under penalty of  
22 perjury, as part of the winery shipper's license application  
23 or renewal, that he or she only ships wine, either directly or  
24 indirectly through a third-party provider, from the licensee's  
25 own production.

26 Except for a common carrier, a third-party provider

1 shipping wine on behalf of a winery shipper's license holder  
2 is the agent of the winery shipper's license holder and, as  
3 such, a winery shipper's license holder is responsible for the  
4 acts and omissions of the third-party provider acting on  
5 behalf of the license holder. A third-party provider, except  
6 for a common carrier, that engages in shipping wine into  
7 Illinois on behalf of a winery shipper's license holder shall  
8 consent to the jurisdiction of the State Commission and the  
9 State. Any third-party, except for a common carrier, holding  
10 such an appointment shall, by February 1 of each calendar year  
11 and upon request by the State Commission or the Department of  
12 Revenue, file with the State Commission a statement detailing  
13 each shipment made to an Illinois resident. The statement  
14 shall include the name and address of the third-party provider  
15 filing the statement, the time period covered by the  
16 statement, and the following information:

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

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

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

21 If the Department of Revenue or the State Commission requests  
22 a statement under this paragraph, the third-party provider  
23 must provide that statement no later than 30 days after the  
24 request is made. Any books, records, supporting papers, and  
25 documents containing information and data relating to a  
26 statement under this paragraph shall be kept and preserved for

1 a period of 3 years, unless their destruction sooner is  
2 authorized, in writing, by the Director of Revenue, and shall  
3 be open and available to inspection by the Director of Revenue  
4 or the State Commission or any duly authorized officer, agent,  
5 or employee of the State Commission or the Department of  
6 Revenue, at all times during business hours of the day. Any  
7 person who violates any provision of this paragraph or any  
8 rule of the State Commission for the administration and  
9 enforcement of the provisions of this paragraph is guilty of a  
10 Class C misdemeanor. In case of a continuing violation, each  
11 day's continuance thereof shall be a separate and distinct  
12 offense.

13 The State Commission shall adopt rules as soon as  
14 practicable to implement the requirements of Public Act 99-904  
15 and shall adopt rules prohibiting any such third-party  
16 appointment of a third-party provider, except for a common  
17 carrier, that has been deemed by the State Commission to have  
18 violated the provisions of this Act with regard to any winery  
19 shipper licensee.

20 A winery shipper licensee must pay to the Department of  
21 Revenue the State liquor gallonage tax under Section 8-1 for  
22 all wine that is sold by the licensee and shipped to a person  
23 in this State. For the purposes of Section 8-1, a winery  
24 shipper licensee shall be taxed in the same manner as a  
25 manufacturer of wine. A licensee who is not otherwise required  
26 to register under the Retailers' Occupation Tax Act must

1 register under the Use Tax Act to collect and remit use tax to  
2 the Department of Revenue for all gallons of wine that are sold  
3 by the licensee and shipped to persons in this State. If a  
4 licensee fails to remit the tax imposed under this Act in  
5 accordance with the provisions of Article VIII of this Act,  
6 the winery shipper's license shall be revoked in accordance  
7 with the provisions of Article VII of this Act. If a licensee  
8 fails to properly register and remit tax under the Use Tax Act  
9 or the Retailers' Occupation Tax Act for all wine that is sold  
10 by the winery shipper and shipped to persons in this State, the  
11 winery shipper's license shall be revoked in accordance with  
12 the provisions of Article VII of this Act.

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

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

23 As used in this subsection, "third-party provider" means  
24 any entity that provides fulfillment house services, including  
25 warehousing, packaging, distribution, order processing, or  
26 shipment of wine, but not the sale of wine, on behalf of a

1 licensed winery shipper.

2 (s) A craft distiller tasting permit license shall allow  
3 an Illinois licensed class 1 craft distiller or class 2 craft  
4 distiller to transfer a portion of its alcoholic liquor  
5 inventory from its class 1 craft distiller or class 2 craft  
6 distiller licensed premises to the premises specified in the  
7 license hereby created and to conduct a sampling, only in the  
8 premises specified in the license hereby created, of the  
9 transferred alcoholic liquor in accordance with subsection (c)  
10 of Section 6-31 of this Act. The transferred alcoholic liquor  
11 may not be sold or resold in any form. An applicant for the  
12 craft distiller tasting permit license must also submit with  
13 the application proof satisfactory to the State Commission  
14 that the applicant will provide dram shop liability insurance  
15 to the maximum limits and have local authority approval.

16 (t) A brewer warehouse permit may be issued to the holder  
17 of a class 1 brewer license or a class 2 brewer license. If the  
18 holder of the permit is a class 1 brewer licensee, the brewer  
19 warehouse permit shall allow the holder to store or warehouse  
20 up to 930,000 gallons of tax-determined beer manufactured by  
21 the holder of the permit at the premises specified on the  
22 permit. If the holder of the permit is a class 2 brewer  
23 licensee, the brewer warehouse permit shall allow the holder  
24 to store or warehouse up to 3,720,000 gallons of  
25 tax-determined beer manufactured by the holder of the permit  
26 at the premises specified on the permit. Sales to

1 non-licensees are prohibited at the premises specified in the  
2 brewer warehouse permit.

3 (u) A distilling pub license shall allow the licensee to  
4 only (i) manufacture up to 5,000 gallons of spirits per year  
5 only on the premises specified in the license, (ii) make sales  
6 of the spirits manufactured on the premises or, with the  
7 approval of the State Commission, spirits manufactured on  
8 another distilling pub licensed premises that is wholly owned  
9 and operated by the same licensee to importing distributors  
10 and distributors and to non-licensees for use and consumption,  
11 (iii) store the spirits upon the premises, (iv) sell and offer  
12 for sale at retail from the licensed premises for off-premises  
13 consumption no more than 5,000 gallons per year so long as such  
14 sales are only made in-person, (v) sell and offer for sale at  
15 retail for use and consumption on the premises specified in  
16 the license any form of alcoholic liquor purchased from a  
17 licensed distributor or importing distributor, and (vi) with  
18 the prior approval of the State Commission, annually transfer  
19 no more than 5,000 gallons of spirits manufactured on the  
20 premises to a licensed distilling pub wholly owned and  
21 operated by the same licensee.

22 A distilling pub licensee shall not under any circumstance  
23 sell or offer for sale spirits manufactured by the distilling  
24 pub licensee to retail licensees.

25 A person who holds a class 2 craft distiller license may  
26 simultaneously hold a distilling pub license if the class 2



1 craft distiller (i) does not, under any circumstance, sell or  
2 offer for sale spirits manufactured by the class 2 craft  
3 distiller to retail licensees; (ii) does not hold more than 3  
4 distilling pub licenses in this State; (iii) does not  
5 manufacture more than a combined 100,000 gallons of spirits  
6 per year, including the spirits manufactured at the distilling  
7 pub; and (iv) is not a member of or affiliated with, directly  
8 or indirectly, a manufacturer that produces more than 100,000  
9 gallons of spirits per year or any other alcoholic liquor.

10 (v) A craft distiller warehouse permit may be issued to  
11 the holder of a class 1 craft distiller or class 2 craft  
12 distiller license. The craft distiller warehouse permit shall  
13 allow the holder to store or warehouse up to 500,000 gallons of  
14 spirits manufactured by the holder of the permit at the  
15 premises specified on the permit. Sales to non-licensees are  
16 prohibited at the premises specified in the craft distiller  
17 warehouse permit.

18 (w) A beer showcase permit license shall allow an  
19 Illinois-licensed distributor or beer manufacturer with retail  
20 privileges to transfer a portion of its beer inventory from  
21 its licensed premises to the premises specified in the beer  
22 showcase permit license, and, in the case of a class 1 brewer,  
23 class 2 brewer, or class 3 brewer, transfer only beer the class  
24 1 brewer, class 2 brewer, or class 3 brewer manufactures from  
25 its licensed premises to the premises specified in the beer  
26 showcase permit license; and to sell or offer for sale at

1 retail, only in the premises specified in the beer showcase  
2 permit license, the transferred or delivered beer for on or  
3 off premise consumption, but not for resale in any form and to  
4 sell to non-licensees not more than 96 fluid ounces of beer per  
5 person. A beer showcase permit license may be granted for the  
6 following time periods: one day or less; or 2 or more days to a  
7 maximum of 15 days per location in any 12-month period. An  
8 applicant for a beer showcase permit license must also submit  
9 with the application proof satisfactory to the State  
10 Commission that the applicant will provide dram shop liability  
11 insurance to the maximum limits and have local authority  
12 approval. The State Commission shall require the beer showcase  
13 applicant to comply with Section 6-27.1.

14 (Source: P.A. 101-16, eff. 6-14-19; 101-31, eff. 6-28-19;  
15 101-81, eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff.  
16 8-23-19; 101-615, eff. 12-20-19; 101-668, eff. 1-1-22;  
17 102-442, eff. 8-20-21; revised 2-28-22.)

18 (235 ILCS 5/6-40 new)

19 Sec. 6-40. Consumer loyalty and reward programs.

20 (a) In this Section, "consumer loyalty and reward program"  
21 means any program offered to consumers by a licensed retailer  
22 or manufacturer with retail privileges designed to allow a  
23 consumer to access rewards for purchases made at the retailer  
24 or manufacturer with retail privileges. "Consumer loyalty and  
25 reward program" includes, but is not limited to, point

1 accumulation programs, memberships in retailer clubs or  
2 organizations, email lists or other forms of registration by a  
3 consumer in a retailer program, or mug clubs.

4 (b) Any retail licensee or licensed manufacturer with  
5 retail privileges may offer incentives to consumers for  
6 participation in a consumer loyalty and reward program.

7 (c) Any retail licensee or licensed manufacturer with  
8 retail privileges may, as part of a consumer loyalty and  
9 reward program, offer consumers discounts on its products.

10 (d) Any retail licensee or licensed manufacturer with  
11 retail privileges may offer benefits to the members or  
12 participants of a consumer loyalty and reward program that are  
13 not offered to other consumers.

14 (e) Any retail licensee or licensed manufacturer with  
15 retail privileges may offer specialty glassware for sale to  
16 members or participants in a consumer loyalty and reward  
17 program and offer a price discount to the owner of that  
18 glassware for additional purchases using the glassware.

19 (235 ILCS 5/8-10.5)

20 Sec. 8-10.5. Beer production quantity reporting.

21 (a) As used in this Section:

22 "Directly" means that a licensed distributor was not used  
23 in the transaction.

24 "Final packaging container" means the last vessel in which  
25 beer is held before (i) consumption by an individual on the

1 brewer's licensed premises; (ii) being placed in a keg,  
2 bottle, or can for consumption by an individual; or (iii)  
3 being removed for additional fermentation and aging in a cask  
4 or barrel.

5 (b) A brewer who is a class 1 brewer, class 2 brewer, class  
6 3 brewer, or brew pub licensee shall accurately measure the  
7 quantity of beer transferred into its final packaging  
8 container to determine the brewer's tax liability by  
9 converting beer production into the amount of beer sold and to  
10 ensure compliance with any production or self-distribution  
11 quantity limitations under this Act applicable to the class 1  
12 brewer, class 2 brewer, class 3 brewer, or brew pub. The  
13 measurement shall comply with 27 CFR 25.41 and 27 CFR 25.42.  
14 ~~Any brewer subject to this Section shall file, on the same date~~  
15 ~~as the brewer files similar reports with the U.S. Department~~  
16 ~~of the Treasury's Tobacco and Alcohol Tax and Trade Bureau,~~  
17 ~~with the Department and State Commission a report of their use~~  
18 ~~of water along with their "Brewer's Report of Operations"~~  
19 ~~filed with the U.S. Department of Treasury's Alcohol and~~  
20 ~~Tobacco Tax and Trade Bureau and shall maintain and produce~~  
21 ~~for examination and inspection by the Department and the State~~  
22 ~~Commission utility bills for water for 3 years along with~~  
23 ~~their "Brewer's Report of Operations" filed with the U.S.~~  
24 ~~Department of Treasury's Alcohol and Tobacco Tax and Trade~~  
25 ~~Bureau.~~ The Department, in cooperation with the State  
26 Commission, may audit on an annual basis the amount a class 1

1 brewer, class 2 brewer, class 3 brewer, or brew pub licensee  
2 produces to determine compliance with this Act.

3 (c) A brewer's failure to comply with this Section shall  
4 result in the State Commission issuing a fine or suspending or  
5 revoking the brewer's license.

6 (Source: P.A. 102-442, eff. 8-20-21.)