

# SB0043



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0043

Introduced 1/20/2023, by Sen. Sara Feigenholtz

### SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-28.8

Amends the Liquor Control Act of 1934. Removes language repealing a provision concerning delivery and carry out of mixed drinks on January 3, 2024.

LRB103 04927 RPS 49937 b

A BILL FOR

1 AN ACT concerning liquor.

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

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

6 (235 ILCS 5/6-28.8)

7 (Section scheduled to be repealed on January 3, 2024)

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

10 (a) In this Section:

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

16 "Original container" means, for the purposes of this  
17 Section only, a container that is (i) filled, sealed, and  
18 secured by a retail licensee's employee at the retail  
19 licensee's location with a tamper-evident lid or cap or (ii)  
20 filled and labeled by the manufacturer and secured by the  
21 manufacturer's original unbroken seal.

22 "Sealed container" means a rigid container that contains a  
23 mixed drink or a single serving of wine, is new, has never been

1 used, has a secured lid or cap designed to prevent consumption  
2 without removal of the lid or cap, and is tamper-evident.  
3 "Sealed container" includes a manufacturer's original  
4 container as defined in this subsection. "Sealed container"  
5 does not include a container with a lid with sipping holes or  
6 openings for straws or a container made of plastic, paper, or  
7 polystyrene foam.

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

11 (b) A cocktail, mixed drink, or single serving of wine  
12 placed in a sealed container by a retail licensee at the retail  
13 licensee's location or a manufacturer's original container may  
14 be transferred and sold for off-premises consumption if the  
15 following requirements are met:

16 (1) the cocktail, mixed drink, or single serving of  
17 wine is transferred within the licensed premises, by a  
18 curbside pickup, or by delivery by an employee of the  
19 retail licensee who:

20 (A) has been trained in accordance with Section  
21 6-27.1 at the time of the sale;

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

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

26 (2) if the employee delivering the cocktail, mixed

1 drink, or single serving of wine is not able to safely  
2 verify a person's age or level of intoxication upon  
3 delivery, the employee shall cancel the sale of alcohol  
4 and return the product to the retail license holder;

5 (3) the sealed container is placed in the trunk of the  
6 vehicle or if there is no trunk, in the vehicle's rear  
7 compartment that is not readily accessible to the  
8 passenger area;

9 (4) except for a manufacturer's original container, a  
10 container filled and sealed at a retail licensee's  
11 location shall be affixed with a label or tag that  
12 contains the following information:

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

15 (B) the name, license number, and address of the  
16 retail licensee that filled the original container and  
17 sold the product;

18 (C) the volume of the cocktail, mixed drink, or  
19 single serving of wine in the sealed container; and

20 (D) the sealed container was filled less than 7  
21 days before the date of sale; and

22 (5) a manufacturer's original container shall be  
23 affixed with a label or tag that contains the name,  
24 license number, and address of the retail licensee that  
25 sold the product.

26 (c) Third-party delivery services are not permitted to

1 deliver cocktails and mixed drinks under this Section.

2 (d) If there is an executive order of the Governor in  
3 effect during a disaster, the employee delivering the mixed  
4 drink, cocktail, or single serving of wine must comply with  
5 any requirements of that executive order, including, but not  
6 limited to, wearing gloves and a mask and maintaining  
7 distancing requirements when interacting with the public.

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

10 (1) a third party delivers the cocktail or mixed  
11 drink;

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

14 (3) a container of a mixed drink, cocktail, or single  
15 serving of wine is transported in the passenger area of a  
16 vehicle;

17 (4) a mixed drink, cocktail, or single serving of wine  
18 is delivered by a person or to a person who is under the  
19 age of 21; or

20 (5) the person delivering a mixed drink, cocktail, or  
21 single serving of wine fails to verify the age of the  
22 person to whom the mixed drink or cocktail is being  
23 delivered.

24 (f) Violations of this Section shall be subject to any  
25 applicable penalties, including, but not limited to, the  
26 penalties specified under Section 11-502 of the Illinois

1 Vehicle Code.

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

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

16 ~~(h) This Section is repealed on January 3, 2024.~~

17 (Source: P.A. 101-631, eff. 6-2-20; 102-8, eff. 6-2-21.)