



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3161

Introduced 2/6/2024, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5
235 ILCS 5/1-3.45 new
235 ILCS 5/3-12
235 ILCS 5/5-1 from Ch. 43, par. 115
235 ILCS 5/5-8 new
235 ILCS 5/6-29 from Ch. 43, par. 144e
235 ILCS 5/7-3.5 new
235 ILCS 5/7-15 new

Amends the Liquor Control Act of 1934. Provides that the amendatory Act may be referred to as the Uniform Alcohol Direct-Shipping Compliance Act. Provides for the registration of third-party providers that ship wine to residents of this State on behalf of winery shippers. With regard to third-party providers, sets forth provisions concerning registration applications; recordkeeping; reporting; and suspending, revoking, or refusing to issue or renew a registration. Provides that a carrier may not deliver to a consumer a package known by the carrier to contain wine unless the consignor is a licensed winery shipper or registered third-party provider and the carrier has verified that license or registration for the current license period. Requires winery shippers, third-party providers, and carriers to file with the Illinois Liquor Control Commission a monthly report containing specified information concerning wine shipments. Provides that the State Commission may suspend, revoke, or refuse to issue or renew a license to manufacture, distribute, or sell alcoholic liquor issued by the State Commission if the State Commission finds, after notice and an opportunity for an evidentiary hearing, that the person holding the license has shipped alcoholic liquor into another state in violation of that state's law. Makes other changes. Amends the Freedom of Information Act to make a conforming change.

LRB103 39274 RPS 69427 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 1. This Act may be referred to as the Uniform
5 Alcohol Direct-Shipping Compliance Act.

6 Section 5. The Freedom of Information Act is amended by
7 changing Section 7.5 as follows:

8 (5 ILCS 140/7.5)

9 (Text of Section before amendment by P.A. 103-472)

10 Sec. 7.5. Statutory exemptions. To the extent provided for
11 by the statutes referenced below, the following shall be
12 exempt from inspection and copying:

13 (a) All information determined to be confidential
14 under Section 4002 of the Technology Advancement and
15 Development Act.

16 (b) Library circulation and order records identifying
17 library users with specific materials under the Library
18 Records Confidentiality Act.

19 (c) Applications, related documents, and medical
20 records received by the Experimental Organ Transplantation
21 Procedures Board and any and all documents or other
22 records prepared by the Experimental Organ Transplantation

1 Procedures Board or its staff relating to applications it
2 has received.

3 (d) Information and records held by the Department of
4 Public Health and its authorized representatives relating
5 to known or suspected cases of sexually transmissible
6 disease or any information the disclosure of which is
7 restricted under the Illinois Sexually Transmissible
8 Disease Control Act.

9 (e) Information the disclosure of which is exempted
10 under Section 30 of the Radon Industry Licensing Act.

11 (f) Firm performance evaluations under Section 55 of
12 the Architectural, Engineering, and Land Surveying
13 Qualifications Based Selection Act.

14 (g) Information the disclosure of which is restricted
15 and exempted under Section 50 of the Illinois Prepaid
16 Tuition Act.

17 (h) Information the disclosure of which is exempted
18 under the State Officials and Employees Ethics Act, and
19 records of any lawfully created State or local inspector
20 general's office that would be exempt if created or
21 obtained by an Executive Inspector General's office under
22 that Act.

23 (i) Information contained in a local emergency energy
24 plan submitted to a municipality in accordance with a
25 local emergency energy plan ordinance that is adopted
26 under Section 11-21.5-5 of the Illinois Municipal Code.

1 (j) Information and data concerning the distribution
2 of surcharge moneys collected and remitted by carriers
3 under the Emergency Telephone System Act.

4 (k) Law enforcement officer identification information
5 or driver identification information compiled by a law
6 enforcement agency or the Department of Transportation
7 under Section 11-212 of the Illinois Vehicle Code.

8 (l) Records and information provided to a residential
9 health care facility resident sexual assault and death
10 review team or the Executive Council under the Abuse
11 Prevention Review Team Act.

12 (m) Information provided to the predatory lending
13 database created pursuant to Article 3 of the Residential
14 Real Property Disclosure Act, except to the extent
15 authorized under that Article.

16 (n) Defense budgets and petitions for certification of
17 compensation and expenses for court appointed trial
18 counsel as provided under Sections 10 and 15 of the
19 Capital Crimes Litigation Act (repealed). This subsection
20 (n) shall apply until the conclusion of the trial of the
21 case, even if the prosecution chooses not to pursue the
22 death penalty prior to trial or sentencing.

23 (o) Information that is prohibited from being
24 disclosed under Section 4 of the Illinois Health and
25 Hazardous Substances Registry Act.

26 (p) Security portions of system safety program plans,

1 investigation reports, surveys, schedules, lists, data, or
2 information compiled, collected, or prepared by or for the
3 Department of Transportation under Sections 2705-300 and
4 2705-616 of the Department of Transportation Law of the
5 Civil Administrative Code of Illinois, the Regional
6 Transportation Authority under Section 2.11 of the
7 Regional Transportation Authority Act, or the St. Clair
8 County Transit District under the Bi-State Transit Safety
9 Act (repealed).

10 (q) Information prohibited from being disclosed by the
11 Personnel Record Review Act.

12 (r) Information prohibited from being disclosed by the
13 Illinois School Student Records Act.

14 (s) Information the disclosure of which is restricted
15 under Section 5-108 of the Public Utilities Act.

16 (t) (Blank).

17 (u) Records and information provided to an independent
18 team of experts under the Developmental Disability and
19 Mental Health Safety Act (also known as Brian's Law).

20 (v) Names and information of people who have applied
21 for or received Firearm Owner's Identification Cards under
22 the Firearm Owners Identification Card Act or applied for
23 or received a concealed carry license under the Firearm
24 Concealed Carry Act, unless otherwise authorized by the
25 Firearm Concealed Carry Act; and databases under the
26 Firearm Concealed Carry Act, records of the Concealed

1 Carry Licensing Review Board under the Firearm Concealed
2 Carry Act, and law enforcement agency objections under the
3 Firearm Concealed Carry Act.

4 (v-5) Records of the Firearm Owner's Identification
5 Card Review Board that are exempted from disclosure under
6 Section 10 of the Firearm Owners Identification Card Act.

7 (w) Personally identifiable information which is
8 exempted from disclosure under subsection (g) of Section
9 19.1 of the Toll Highway Act.

10 (x) Information which is exempted from disclosure
11 under Section 5-1014.3 of the Counties Code or Section
12 8-11-21 of the Illinois Municipal Code.

13 (y) Confidential information under the Adult
14 Protective Services Act and its predecessor enabling
15 statute, the Elder Abuse and Neglect Act, including
16 information about the identity and administrative finding
17 against any caregiver of a verified and substantiated
18 decision of abuse, neglect, or financial exploitation of
19 an eligible adult maintained in the Registry established
20 under Section 7.5 of the Adult Protective Services Act.

21 (z) Records and information provided to a fatality
22 review team or the Illinois Fatality Review Team Advisory
23 Council under Section 15 of the Adult Protective Services
24 Act.

25 (aa) Information which is exempted from disclosure
26 under Section 2.37 of the Wildlife Code.

1 (bb) Information which is or was prohibited from
2 disclosure by the Juvenile Court Act of 1987.

3 (cc) Recordings made under the Law Enforcement
4 Officer-Worn Body Camera Act, except to the extent
5 authorized under that Act.

6 (dd) Information that is prohibited from being
7 disclosed under Section 45 of the Condominium and Common
8 Interest Community Ombudsperson Act.

9 (ee) Information that is exempted from disclosure
10 under Section 30.1 of the Pharmacy Practice Act.

11 (ff) Information that is exempted from disclosure
12 under the Revised Uniform Unclaimed Property Act.

13 (gg) Information that is prohibited from being
14 disclosed under Section 7-603.5 of the Illinois Vehicle
15 Code.

16 (hh) Records that are exempt from disclosure under
17 Section 1A-16.7 of the Election Code.

18 (ii) Information which is exempted from disclosure
19 under Section 2505-800 of the Department of Revenue Law of
20 the Civil Administrative Code of Illinois.

21 (jj) Information and reports that are required to be
22 submitted to the Department of Labor by registering day
23 and temporary labor service agencies but are exempt from
24 disclosure under subsection (a-1) of Section 45 of the Day
25 and Temporary Labor Services Act.

26 (kk) Information prohibited from disclosure under the

1 Seizure and Forfeiture Reporting Act.

2 (ll) Information the disclosure of which is restricted
3 and exempted under Section 5-30.8 of the Illinois Public
4 Aid Code.

5 (mm) Records that are exempt from disclosure under
6 Section 4.2 of the Crime Victims Compensation Act.

7 (nn) Information that is exempt from disclosure under
8 Section 70 of the Higher Education Student Assistance Act.

9 (oo) Communications, notes, records, and reports
10 arising out of a peer support counseling session
11 prohibited from disclosure under the First Responders
12 Suicide Prevention Act.

13 (pp) Names and all identifying information relating to
14 an employee of an emergency services provider or law
15 enforcement agency under the First Responders Suicide
16 Prevention Act.

17 (qq) Information and records held by the Department of
18 Public Health and its authorized representatives collected
19 under the Reproductive Health Act.

20 (rr) Information that is exempt from disclosure under
21 the Cannabis Regulation and Tax Act.

22 (ss) Data reported by an employer to the Department of
23 Human Rights pursuant to Section 2-108 of the Illinois
24 Human Rights Act.

25 (tt) Recordings made under the Children's Advocacy
26 Center Act, except to the extent authorized under that

1 Act.

2 (uu) Information that is exempt from disclosure under
3 Section 50 of the Sexual Assault Evidence Submission Act.

4 (vv) Information that is exempt from disclosure under
5 subsections (f) and (j) of Section 5-36 of the Illinois
6 Public Aid Code.

7 (ww) Information that is exempt from disclosure under
8 Section 16.8 of the State Treasurer Act.

9 (xx) Information that is exempt from disclosure or
10 information that shall not be made public under the
11 Illinois Insurance Code.

12 (yy) Information prohibited from being disclosed under
13 the Illinois Educational Labor Relations Act.

14 (zz) Information prohibited from being disclosed under
15 the Illinois Public Labor Relations Act.

16 (aaa) Information prohibited from being disclosed
17 under Section 1-167 of the Illinois Pension Code.

18 (bbb) Information that is prohibited from disclosure
19 by the Illinois Police Training Act and the Illinois State
20 Police Act.

21 (ccc) Records exempt from disclosure under Section
22 2605-304 of the Illinois State Police Law of the Civil
23 Administrative Code of Illinois.

24 (ddd) Information prohibited from being disclosed
25 under Section 35 of the Address Confidentiality for
26 Victims of Domestic Violence, Sexual Assault, Human

1 Trafficking, or Stalking Act.

2 (eee) Information prohibited from being disclosed
3 under subsection (b) of Section 75 of the Domestic
4 Violence Fatality Review Act.

5 (fff) Images from cameras under the Expressway Camera
6 Act. This subsection (fff) is inoperative on and after
7 July 1, 2025.

8 (ggg) Information prohibited from disclosure under
9 paragraph (3) of subsection (a) of Section 14 of the Nurse
10 Agency Licensing Act.

11 (hhh) Information submitted to the Illinois State
12 Police in an affidavit or application for an assault
13 weapon endorsement, assault weapon attachment endorsement,
14 .50 caliber rifle endorsement, or .50 caliber cartridge
15 endorsement under the Firearm Owners Identification Card
16 Act.

17 (iii) Data exempt from disclosure under Section 50 of
18 the School Safety Drill Act.

19 (jjj) ~~(hhh)~~ Information exempt from disclosure under
20 Section 30 of the Insurance Data Security Law.

21 (kkk) ~~(iii)~~ Confidential business information
22 prohibited from disclosure under Section 45 of the Paint
23 Stewardship Act.

24 (lll) (Reserved).

25 (mmm) ~~(iii)~~ Information prohibited from being
26 disclosed under subsection (e) of Section 1-129 of the

1 Illinois Power Agency Act.

2 (nnn) Information prohibited from being disclosed
3 under Section 6-29 of the Liquor Control Act of 1934.

4 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
5 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
6 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
7 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
8 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
9 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
10 revised 1-2-24.)

11 (Text of Section after amendment by P.A. 103-472)

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25 Procedures Board or its staff relating to applications it

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25 Center Act, except to the extent authorized under that
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2 Section 50 of the Sexual Assault Evidence Submission Act.

3 (vv) Information that is exempt from disclosure under
4 subsections (f) and (j) of Section 5-36 of the Illinois
5 Public Aid Code.

6 (ww) Information that is exempt from disclosure under
7 Section 16.8 of the State Treasurer Act.

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9 information that shall not be made public under the
10 Illinois Insurance Code.

11 (yy) Information prohibited from being disclosed under
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13 (zz) Information prohibited from being disclosed under
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15 (aaa) Information prohibited from being disclosed
16 under Section 1-167 of the Illinois Pension Code.

17 (bbb) Information that is prohibited from disclosure
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19 Police Act.

20 (ccc) Records exempt from disclosure under Section
21 2605-304 of the Illinois State Police Law of the Civil
22 Administrative Code of Illinois.

23 (ddd) Information prohibited from being disclosed
24 under Section 35 of the Address Confidentiality for
25 Victims of Domestic Violence, Sexual Assault, Human
26 Trafficking, or Stalking Act.

1 (eee) Information prohibited from being disclosed
2 under subsection (b) of Section 75 of the Domestic
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4 (fff) Images from cameras under the Expressway Camera
5 Act. This subsection (fff) is inoperative on and after
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10 (hhh) Information submitted to the Illinois State
11 Police in an affidavit or application for an assault
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14 endorsement under the Firearm Owners Identification Card
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16 (iii) Data exempt from disclosure under Section 50 of
17 the School Safety Drill Act.

18 (jjj) ~~(hhh)~~ Information exempt from disclosure under
19 Section 30 of the Insurance Data Security Law.

20 (kkk) ~~(iii)~~ Confidential business information
21 prohibited from disclosure under Section 45 of the Paint
22 Stewardship Act.

23 (lll) ~~(iii)~~ Data exempt from disclosure under Section
24 2-3.196 of the School Code.

25 (mmm) ~~(iii)~~ Information prohibited from being
26 disclosed under subsection (e) of Section 1-129 of the

1 Illinois Power Agency Act.

2 (nnn) Information prohibited from being disclosed
3 under Section 6-29 of the Liquor Control Act of 1934.

4 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
5 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
6 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
7 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
8 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
9 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
10 103-580, eff. 12-8-23; revised 1-2-24.)

11 Section 10. The Liquor Control Act of 1934 is amended by
12 changing Sections 3-12, 5-1, and 6-29 and by adding Sections
13 1-3.45, 5-8, 7-3.5, and 7-15 as follows:

14 (235 ILCS 5/1-3.45 new)

15 Sec. 1-3.45. Third-party provider. "Third-party provider"
16 means any entity that provides fulfillment house services,
17 including warehousing, packaging, distribution, order
18 processing, or shipment of wine, but not the sale of wine, on
19 behalf of a winery shipper.

20 (235 ILCS 5/3-12)

21 Sec. 3-12. Powers and duties of State Commission.

22 (a) The State Commission shall have the following powers,
23 functions, and duties:

1 (1) To receive applications, to register third-party
2 providers, and to issue licenses to manufacturers, foreign
3 importers, importing distributors, distributors,
4 non-resident dealers, on premise consumption retailers,
5 off premise sale retailers, special event retailer
6 licensees, special use permit licenses, auction liquor
7 licenses, brew pubs, caterer retailers, non-beverage
8 users, railroads, including owners and lessees of
9 sleeping, dining and cafe cars, airplanes, boats, brokers,
10 and wine maker's premises licensees in accordance with the
11 provisions of this Act, and to suspend or revoke such
12 licenses and registrations upon the State Commission's
13 determination, upon notice after hearing, that a licensee
14 or registrant has violated any provision of this Act or
15 any rule or regulation issued pursuant thereto and in
16 effect for 30 days prior to such violation. Except in the
17 case of an action taken pursuant to a violation of Section
18 6-3, 6-5, or 6-9, any action by the State Commission to
19 suspend or revoke a licensee's license or a registrant's
20 registration may be limited to the license or registration
21 for the specific premises where the violation occurred. An
22 action for a violation of this Act shall be commenced by
23 the State Commission within 2 years after the date the
24 State Commission becomes aware of the violation.

25 In lieu of suspending or revoking a license or
26 registration, the commission may impose a fine, upon the

1 State Commission's determination and notice after hearing,
2 that a licensee or registrant has violated any provision
3 of this Act or any rule or regulation issued pursuant
4 thereto and in effect for 30 days prior to such violation.

5 For the purpose of this paragraph (1), when
6 determining multiple violations for the sale of alcohol to
7 a person under the age of 21, a second or subsequent
8 violation for the sale of alcohol to a person under the age
9 of 21 shall only be considered if it was committed within 5
10 years after the date when a prior violation for the sale of
11 alcohol to a person under the age of 21 was committed.

12 The fine imposed under this paragraph may not exceed
13 \$500 for each violation. Each day that the activity, which
14 gave rise to the original fine, continues is a separate
15 violation. The maximum fine that may be levied against any
16 licensee or registrant, for the period of the license or
17 registration, shall not exceed \$20,000. The maximum
18 penalty that may be imposed on a licensee for selling a
19 bottle of alcoholic liquor with a foreign object in it or
20 serving from a bottle of alcoholic liquor with a foreign
21 object in it shall be the destruction of that bottle of
22 alcoholic liquor for the first 10 bottles so sold or
23 served from by the licensee. For the eleventh bottle of
24 alcoholic liquor and for each third bottle thereafter sold
25 or served from by the licensee with a foreign object in it,
26 the maximum penalty that may be imposed on the licensee is

1 the destruction of the bottle of alcoholic liquor and a
2 fine of up to \$50.

3 Any notice issued by the State Commission to a
4 licensee or registrant for a violation of this Act or any
5 notice with respect to settlement or offer in compromise
6 shall include the field report, photographs, and any other
7 supporting documentation necessary to reasonably inform
8 the licensee of the nature and extent of the violation or
9 the conduct alleged to have occurred. The failure to
10 include such required documentation shall result in the
11 dismissal of the action.

12 (2) To adopt such rules and regulations consistent
13 with the provisions of this Act which shall be necessary
14 to carry on its functions and duties to the end that the
15 health, safety and welfare of the People of the State of
16 Illinois shall be protected and temperance in the
17 consumption of alcoholic liquors shall be fostered and
18 promoted and to distribute copies of such rules and
19 regulations to all licensees affected thereby.

20 (3) To call upon other administrative departments of
21 the State, county and municipal governments, county and
22 city police departments and upon prosecuting officers for
23 such information and assistance as it deems necessary in
24 the performance of its duties.

25 (4) To recommend to local commissioners rules and
26 regulations, not inconsistent with the law, for the

1 distribution and sale of alcoholic liquors throughout the
2 State.

3 (5) To inspect, or cause to be inspected, any premises
4 in this State where alcoholic liquors are manufactured,
5 distributed, warehoused, or sold. Nothing in this Act
6 authorizes an agent of the State Commission to inspect
7 private areas within the premises without reasonable
8 suspicion or a warrant during an inspection. "Private
9 areas" include, but are not limited to, safes, personal
10 property, and closed desks.

11 (5.1) Upon receipt of a complaint or upon having
12 knowledge that any person is engaged in business as a
13 manufacturer, importing distributor, distributor, or
14 retailer without a license or valid license or as a
15 third-party provider without registering with the State
16 Commission, to conduct an investigation. If, after
17 conducting an investigation, the State Commission is
18 satisfied that the alleged conduct occurred or is
19 occurring, it may issue a cease and desist notice as
20 provided in this Act, impose civil penalties as provided
21 in this Act, notify the local liquor authority, or file a
22 complaint with the State's Attorney's Office of the county
23 where the incident occurred or the Attorney General.

24 (5.2) Upon receipt of a complaint or upon having
25 knowledge that any person is shipping alcoholic liquor
26 into this State from a point outside of this State if the

1 shipment is in violation of this Act, to conduct an
2 investigation. If, after conducting an investigation, the
3 State Commission is satisfied that the alleged conduct
4 occurred or is occurring, it may issue a cease and desist
5 notice as provided in this Act, impose civil penalties as
6 provided in this Act, notify the foreign jurisdiction, or
7 file a complaint with the State's Attorney's Office of the
8 county where the incident occurred or the Attorney
9 General.

10 (5.3) To receive complaints from licensees,
11 registrants, local officials, law enforcement agencies,
12 organizations, and persons stating that any licensee or
13 registrant has been or is violating any provision of this
14 Act or the rules and regulations issued pursuant to this
15 Act. Such complaints shall be in writing, signed and sworn
16 to by the person making the complaint, and shall state
17 with specificity the facts in relation to the alleged
18 violation. If the State Commission has reasonable grounds
19 to believe that the complaint substantially alleges a
20 violation of this Act or rules and regulations adopted
21 pursuant to this Act, it shall conduct an investigation.
22 If, after conducting an investigation, the State
23 Commission is satisfied that the alleged violation did
24 occur, it shall proceed with disciplinary action against
25 the licensee or registrant as provided in this Act.

26 (5.4) To make arrests and issue notices of civil

1 violations where necessary for the enforcement of this
2 Act.

3 (5.5) To investigate any and all unlicensed or
4 unregistered activity.

5 (5.6) To impose civil penalties or fines to any person
6 who, without holding a valid license or registration,
7 engages in conduct that requires a license or registration
8 pursuant to this Act, in an amount not to exceed \$20,000
9 for each offense as determined by the State Commission. A
10 civil penalty shall be assessed by the State Commission
11 after a hearing is held in accordance with the provisions
12 set forth in this Act regarding the provision of a hearing
13 for the revocation or suspension of a license or
14 registration.

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

21 (7) The State Commission shall establish uniform
22 systems of accounts to be kept by all retail licensees
23 having more than 4 employees, and for this purpose the
24 State Commission may classify all retail licensees having
25 more than 4 employees and establish a uniform system of
26 accounts for each class and prescribe the manner in which

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

20 (8) In the conduct of any hearing authorized to be
21 held by the State Commission, to appoint, at the
22 commission's discretion, hearing officers to conduct
23 hearings involving complex issues or issues that will
24 require a protracted period of time to resolve, to
25 examine, or cause to be examined, under oath, any licensee
26 or registrant, and to examine or cause to be examined the

1 books and records of such licensee or registrant; to hear
2 testimony and take proof material for its information in
3 the discharge of its duties hereunder; to administer or
4 cause to be administered oaths; for any such purpose to
5 issue subpoena or subpoenas to require the attendance of
6 witnesses and the production of books, which shall be
7 effective in any part of this State, and to adopt rules to
8 implement its powers under this paragraph (8).

9 Any circuit court may, by order duly entered, require
10 the attendance of witnesses and the production of relevant
11 books subpoenaed by the State Commission and the court may
12 compel obedience to its order by proceedings for contempt.

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

20 (10) To adopt such rules and regulations consistent
21 with the provisions of this Act which shall be necessary
22 for the control, sale, or disposition of alcoholic liquor
23 damaged as a result of an accident, wreck, flood, fire, or
24 other similar occurrence.

25 (11) To develop industry educational programs related
26 to responsible serving and selling, particularly in the

1 areas of overserving consumers and illegal underage
2 purchasing and consumption of alcoholic beverages.

3 (11.1) To license persons providing education and
4 training to alcohol beverage sellers and servers for
5 mandatory and non-mandatory training under the Beverage
6 Alcohol Sellers and Servers Education and Training
7 (BASSET) programs and to develop and administer a public
8 awareness program in Illinois to reduce or eliminate the
9 illegal purchase and consumption of alcoholic beverage
10 products by persons under the age of 21. Application for a
11 license shall be made on forms provided by the State
12 Commission.

13 (12) To develop and maintain a repository of license
14 and regulatory information.

15 (13) (Blank).

16 (14) On or before April 30, 2008 and every 2 years
17 thereafter, the State Commission shall present a written
18 report to the Governor and the General Assembly that shall
19 be based on a study of the impact of Public Act 95-634 on
20 the business of soliciting, selling, and shipping wine
21 from inside and outside of this State directly to
22 residents of this State. As part of its report, the State
23 Commission shall provide all of the following information:

24 (A) The amount of State excise and sales tax
25 revenues generated.

26 (B) The amount of licensing fees received.

1 (C) The number of cases of wine shipped from
2 inside and outside of this State directly to residents
3 of this State.

4 (D) The number of alcohol compliance operations
5 conducted.

6 (E) The number of winery shipper's licenses
7 issued.

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

17 (15) As a means to reduce the underage consumption of
18 alcoholic liquors, the State Commission shall conduct
19 alcohol compliance operations to investigate whether
20 businesses that are soliciting, selling, and shipping wine
21 from inside or outside of this State directly to residents
22 of this State are licensed by this State or are selling or
23 attempting to sell wine to persons under 21 years of age in
24 violation of this Act.

25 (16) The State Commission shall, in addition to
26 notifying any appropriate law enforcement agency, submit

1 notices of complaints or violations of Sections 6-29 and
2 6-29.1 by persons who do not hold a winery shipper's
3 license under this Act to the Illinois Attorney General
4 and to the U.S. Department of Treasury's Alcohol and
5 Tobacco Tax and Trade Bureau.

6 (17) (A) A person licensed to make wine under the laws
7 of another state who has a winery shipper's license under
8 this Act and annually produces less than 25,000 gallons of
9 wine or a person who has a first-class or second-class
10 wine manufacturer's license, a first-class or second-class
11 wine-maker's license, or a limited wine manufacturer's
12 license under this Act and annually produces less than
13 25,000 gallons of wine may make application to the
14 Commission for a self-distribution exemption to allow the
15 sale of not more than 5,000 gallons of the exemption
16 holder's wine to retail licensees per year and to sell
17 cider, mead, or both cider and mead to brewers, class 1
18 brewers, class 2 brewers, and class 3 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.

22 (B) In the application, which shall be sworn under
23 penalty of perjury, such person shall state (1) the date
24 it was established; (2) its volume of production and sales
25 for each year since its establishment; (3) its efforts to
26 establish distributor relationships; (4) that a

1 self-distribution exemption is necessary to facilitate the
2 marketing of its wine; and (5) that it will comply with the
3 liquor and revenue laws of the United States, this State,
4 and any other state where it is licensed.

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

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

1 an affiliated group producing more than 25,000 gallons of
2 wine, 930,000 gallons of beer, or 50,000 gallons of
3 spirits.

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

11 (F) The State Commission shall issue regulations
12 governing self-distribution exemptions consistent with
13 this Section and this Act.

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

18 (H) It is the intent of this paragraph (17) to promote
19 and continue orderly markets. The General Assembly finds
20 that, in order to preserve Illinois' regulatory
21 distribution system, it is necessary to create an
22 exception for smaller makers of wine as their wines are
23 frequently adjusted in varietals, mixes, vintages, and
24 taste to find and create market niches sometimes too small
25 for distributor or importing distributor business
26 strategies. Limited self-distribution rights will afford

1 and allow smaller makers of wine access to the marketplace
2 in order to develop a customer base without impairing the
3 integrity of the 3-tier system.

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

14 (B) In the application, which shall be sworn under
15 penalty of perjury, the class 1 brewer licensee shall
16 state (1) the date it was established; (2) its volume of
17 beer manufactured and sold for each year since its
18 establishment; (3) its efforts to establish distributor
19 relationships; (4) that a self-distribution exemption is
20 necessary to facilitate the marketing of its beer; and (5)
21 that it will comply with the alcoholic beverage and
22 revenue laws of the United States, this State, and any
23 other state where it is 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 class 1 brewer licensee: (1) is in compliance with
3 the State, revenue, and alcoholic beverage laws; (2) is
4 not a member of any affiliated group that manufactures,
5 directly or indirectly, more than 930,000 gallons of beer
6 per annum, 25,000 gallons of wine per annum, or 50,000
7 gallons of spirits per annum; (3) shall not annually
8 manufacture for sale more than 930,000 gallons of beer,
9 25,000 gallons of wine, or 50,000 gallons of spirits; (4)
10 shall not annually sell more than 232,500 gallons of its
11 beer to retail licensees and class 3 brewers and to
12 brewers, class 1 brewers, and class 2 brewers that,
13 pursuant to subsection (e) of Section 6-4 of this Act,
14 sell beer, cider, mead, or any combination thereof to
15 non-licensees at their breweries; and (5) has relinquished
16 any brew pub license held by the licensee, including any
17 ownership interest it held in the licensed brew pub.

18 (D) A self-distribution exemption holder shall
19 annually certify to the State Commission its manufacture
20 of beer during the previous 12 months and its anticipated
21 manufacture and sales of beer for the next 12 months. The
22 State Commission may fine, suspend, or revoke a
23 self-distribution exemption after a hearing if it finds
24 that the exemption holder has made a material
25 misrepresentation in its application, violated a revenue
26 or alcoholic beverage law of Illinois, exceeded the

1 manufacture of 930,000 gallons of beer, 25,000 gallons of
2 wine, or 50,000 gallons of spirits in any calendar year or
3 became part of an affiliated group manufacturing more than
4 930,000 gallons of beer, 25,000 gallons of wine, or 50,000
5 gallons of spirits.

6 (E) The State Commission shall issue rules and
7 regulations governing self-distribution exemptions
8 consistent with this Act.

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

19 (G) It is the intent of this paragraph (18) to promote
20 and continue orderly markets. The General Assembly finds
21 that in order to preserve Illinois' regulatory
22 distribution system, it is necessary to create an
23 exception for smaller manufacturers in order to afford and
24 allow such smaller manufacturers of beer access to the
25 marketplace in order to develop a customer base without
26 impairing the integrity of the 3-tier system.

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

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

18 (C) Any application submitted shall be posted on the
19 State Commission's website at least 45 days prior to
20 action by the State Commission. The State Commission shall
21 approve the application for a self-distribution exemption
22 if the applicant: (1) is in compliance with State revenue
23 and alcoholic beverage laws; (2) is not a member of any
24 affiliated group that produces more than 50,000 gallons of
25 spirits per annum, 930,000 gallons of beer per annum, or
26 25,000 gallons of wine per annum; (3) does not annually

1 manufacture for sale more than 50,000 gallons of spirits,
2 930,000 gallons of beer, or 25,000 gallons of wine; and
3 (4) does not annually sell more than 5,000 gallons of its
4 spirits to retail licensees.

5 (D) A self-distribution exemption holder shall
6 annually certify to the State Commission its manufacture
7 of spirits during the previous 12 months and its
8 anticipated manufacture and sales of spirits for the next
9 12 months. The State Commission may fine, suspend, or
10 revoke a self-distribution exemption after a hearing if it
11 finds that the exemption holder has made a material
12 misrepresentation in its application, violated a revenue
13 or alcoholic beverage law of Illinois, exceeded the
14 manufacture of 50,000 gallons of spirits, 930,000 gallons
15 of beer, or 25,000 gallons of wine in any calendar year, or
16 has become part of an affiliated group manufacturing more
17 than 50,000 gallons of spirits, 930,000 gallons of beer,
18 or 25,000 gallons of wine.

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

21 (F) Nothing in this paragraph (19) shall prohibit a
22 self-distribution exemption holder from entering into or
23 simultaneously having a distribution agreement with a
24 licensed Illinois importing distributor or a distributor.

25 (G) It is the intent of this paragraph (19) 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 spirits access to the
5 marketplace in order to develop a customer base without
6 impairing the integrity of the 3-tier system.

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

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

24 (1) the date it was established;

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

1 (3) its efforts to establish distributor
2 relationships;

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

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

8 (C) Any application submitted shall be posted on the
9 State Commission's website at least 45 days before action
10 by the State Commission. The State Commission shall
11 approve the application for a self-distribution exemption
12 if the class 3 brewer licensee: (1) is in compliance with
13 the State, revenue, and alcoholic beverage laws; (2) is
14 not a member of any affiliated group that manufacturers,
15 directly or indirectly, more than 465,000 gallons of beer
16 per annum; (3) shall not annually manufacture for sale
17 more than 465,000 gallons of beer or more than 155,000
18 gallons at any single brewery premises; and (4) shall not
19 annually sell more than 6,200 gallons of beer from each
20 in-state or out-of-state class 3 brewery premises, and
21 shall not exceed 18,600 gallons annually in the aggregate,
22 to retail licensees and class 3 brewers and to brewers,
23 class 1 brewers, and class 2 brewers that, pursuant to
24 subsection (e) of Section 6-4 of this Act, sell beer,
25 cider, or both beer and cider to non-licensees at their
26 breweries.

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

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

18 (F) Nothing in this paragraph shall prohibit a
19 self-distribution exemption holder from entering into or
20 simultaneously having a distribution agreement with a
21 licensed Illinois importing distributor or a distributor.
22 If a self-distribution exemption holder enters into a
23 distribution agreement and has assigned distribution
24 rights to an importing distributor or distributor, then
25 the self-distribution exemption holder's distribution
26 rights in the assigned territories shall cease in a

1 reasonable time not to exceed 60 days.

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

10 (b) On or before April 30, 1999, the Commission shall
11 present a written report to the Governor and the General
12 Assembly that shall be based on a study of the impact of Public
13 Act 90-739 on the business of soliciting, selling, and
14 shipping alcoholic liquor from outside of this State directly
15 to residents of this State.

16 As part of its report, the Commission shall provide the
17 following information:

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

20 (ii) the amount of licensing fees received as a result
21 of Public Act 90-739;

22 (iii) the number of reported violations, the number of
23 cease and desist notices issued by the Commission, the
24 number of notices of violations issued to the Department
25 of Revenue, and the number of notices and complaints of
26 violations to law enforcement officials.

1 (Source: P.A. 101-37, eff. 7-3-19; 101-81, eff. 7-12-19;
2 101-482, eff. 8-23-19; 102-442, eff. 8-20-21; 102-558, eff.
3 8-20-21; 102-813, eff. 5-13-22.)

4 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

17 (d) Retailer's license,

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

19 (f) Railroad license,

20 (g) Boat license,

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

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

23 (j) Airplane license,

24 (k) Foreign importer's license,

25 (l) Broker's license,

- 1 (m) Non-resident dealer's license,
- 2 (n) Brew Pub license,
- 3 (o) Auction liquor license,
- 4 (p) Caterer retailer license,
- 5 (q) Special use permit license,
- 6 (r) Winery shipper's license,
- 7 (s) Craft distiller tasting permit,
- 8 (t) Brewer warehouse permit,
- 9 (u) Distilling pub license,
- 10 (v) Craft distiller warehouse permit,
- 11 (w) Beer showcase permit.

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

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

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

24 Class 2. A Rectifier, who is not a distiller, as defined
25 herein, may make sales and deliveries of alcoholic liquor to
26 rectifiers, importing distributors, distributors, retailers

1 and non-beverage users and to no other licensees.

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

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

1 gallons of spirits per year. A first-class wine-manufacturer
2 shall be permitted to sell wine manufactured at the
3 first-class wine-manufacturer premises to non-licensees.

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

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

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

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

1 current license, a class 2 craft distiller license, shall not
2 manufacture more than 100,000 gallons of spirits per year, and
3 shall not be a member of or affiliated with, directly or
4 indirectly, a manufacturer that produces more than 100,000
5 gallons of spirits per year.

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

10 Class 9. A craft distiller license, which may only be held
11 by a class 1 craft distiller licensee or class 2 craft
12 distiller licensee but not held by both a class 1 craft
13 distiller licensee and a class 2 craft distiller licensee,
14 shall grant all rights conveyed by either: (i) a class 1 craft
15 distiller license if the craft distiller holds a class 1 craft
16 distiller license; or (ii) a class 2 craft distiller licensee
17 if the craft distiller holds a class 2 craft distiller
18 license.

19 Class 10. A class 1 craft distiller license, which may
20 only be issued to a licensed craft distiller or licensed
21 non-resident dealer, shall allow the manufacture of up to
22 50,000 gallons of spirits per year provided that the class 1
23 craft distiller licensee does not manufacture more than a
24 combined 50,000 gallons of spirits per year and is not a member
25 of or affiliated with, directly or indirectly, a manufacturer
26 that produces more than 50,000 gallons of spirits per year. If

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

22 A class 1 craft distiller licensee may sell up to 5,000
23 gallons of such spirits to non-licensees to the extent
24 permitted by any exemption approved by the State Commission
25 pursuant to Section 6-4 of this Act. A class 1 craft distiller
26 license holder may store such spirits at a non-contiguous

1 licensed location, but at no time shall a class 1 craft
2 distiller license holder directly or indirectly produce in the
3 aggregate more than 50,000 gallons of spirits per year.

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

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

1 3,720,000 gallons of beer per year. If a class 2 craft
2 distiller manufactures wine, it shall also obtain and shall
3 only be eligible for, in addition to any current license, a
4 second-class wine-maker's license, shall not manufacture more
5 than 150,000 gallons of wine per year, and shall not be a
6 member of or affiliated with, directly or indirectly, a
7 manufacturer that produces more than 150,000 gallons of wine
8 per year. A class 2 craft distiller licensee may make sales and
9 deliveries to importing distributors and distributors, but
10 shall not make sales or deliveries to any other licensee. If
11 the State Commission provides prior approval, a class 2 craft
12 distiller licensee may annually transfer up to 100,000 gallons
13 of spirits manufactured by that class 2 craft distiller
14 licensee to the premises of a licensed class 2 craft distiller
15 wholly owned and operated by the same licensee. A class 2 craft
16 distiller may transfer spirits to a distilling pub wholly
17 owned and operated by the class 2 craft distiller subject to
18 the following limitations and restrictions: (i) the transfer
19 shall not annually exceed more than 5,000 gallons; (ii) the
20 annual amount transferred shall reduce the distilling pub's
21 annual permitted production limit; (iii) all spirits
22 transferred shall be subject to Article VIII of this Act; (iv)
23 a written record shall be maintained by the distiller and
24 distilling pub specifying the amount, date of delivery, and
25 receipt of the product by the distilling pub; and (v) the
26 distilling pub shall be located no farther than 80 miles from

1 the class 2 craft distiller's licensed location.

2 A class 2 craft distiller shall, prior to transferring
3 spirits to a distilling pub wholly owned by the class 2 craft
4 distiller, furnish a written notice to the State Commission of
5 intent to transfer spirits setting forth the name and address
6 of the distilling pub and shall annually submit to the State
7 Commission a verified report identifying the total gallons of
8 spirits transferred to the distilling pub wholly owned by the
9 class 2 craft distiller.

10 A class 2 craft distiller license holder may store such
11 spirits at a non-contiguous licensed location, but at no time
12 shall a class 2 craft distiller license holder directly or
13 indirectly produce in the aggregate more than 100,000 gallons
14 of spirits per year.

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

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

18 Class 13. A class 2 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 3,720,000 gallons of beer
21 per year provided that the class 2 brewer licensee does not
22 manufacture more than a combined 3,720,000 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 3,720,000
25 gallons of beer per year. If a class 2 brewer manufactures
26 spirits, it shall also obtain and shall only be eligible for,

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

20 A class 2 brewer may transfer beer to a brew pub wholly
21 owned and operated by the class 2 brewer subject to the
22 following limitations and restrictions: (i) the transfer shall
23 not annually exceed more than 31,000 gallons; (ii) the annual
24 amount transferred shall reduce the brew pub's annual
25 permitted production limit; (iii) all beer transferred shall
26 be subject to Article VIII of this Act; (iv) a written record

1 shall be maintained by the brewer and brew pub specifying the
2 amount, date of delivery, and receipt of the product by the
3 brew pub; and (v) the brew pub shall be located no farther than
4 80 miles from the class 2 brewer's licensed location.

5 A class 2 brewer shall, prior to transferring beer to a
6 brew pub wholly owned by the class 2 brewer, furnish a written
7 notice to the State Commission of intent to transfer beer
8 setting forth the name and address of the brew pub and shall
9 annually submit to the State Commission a verified report
10 identifying the total gallons of beer transferred to the brew
11 pub wholly owned by the class 2 brewer.

12 Class 14. A class 3 brewer license, which may be issued to
13 a brewer or a non-resident dealer, shall allow the manufacture
14 of no more than 465,000 gallons of beer per year and no more
15 than 155,000 gallons at a single brewery premises, and shall
16 allow the sale of no more than 6,200 gallons of beer from each
17 in-state or out-of-state class 3 brewery premises, or 18,600
18 gallons in the aggregate, to retail licensees, class 1
19 brewers, class 2 brewers, and class 3 brewers as long as the
20 class 3 brewer licensee does not manufacture more than a
21 combined 465,000 gallons of beer per year and is not a member
22 of or affiliated with, directly or indirectly, a manufacturer
23 that produces more than 465,000 gallons of beer per year to
24 make sales to importing distributors, distributors, retail
25 licensees, brewers, class 1 brewers, class 2 brewers, and
26 class 3 brewers in accordance with the conditions set forth in

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

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

17 Registration of agents, representatives, or persons acting
18 on behalf of a manufacturer is fulfilled by submitting a form
19 to the Commission. The form shall be developed by the
20 Commission and shall include the name and address of the
21 applicant, the name and address of the manufacturer he or she
22 represents, the territory or areas assigned to sell to or
23 discuss pricing terms of alcoholic liquor, and any other
24 questions deemed appropriate and necessary. All statements in
25 the forms required to be made by law or by rule shall be deemed
26 material, and any person who knowingly misstates any material

1 fact under oath in an application is guilty of a Class B
2 misdemeanor. Fraud, misrepresentation, false statements,
3 misleading statements, evasions, or suppression of material
4 facts in the securing of a registration are grounds for
5 suspension or revocation of the registration. The State
6 Commission shall post a list of registered agents on the
7 Commission's website.

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

23 (c) An importing distributor's license may be issued to
24 and held by those only who are duly licensed distributors,
25 upon the filing of an application by a duly licensed
26 distributor, with the Commission and the Commission shall,

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

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

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

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

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

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

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

19 Any retail license issued to a manufacturer shall only
20 permit the manufacturer to sell beer at retail on the premises
21 actually occupied by the manufacturer. For the purpose of
22 further describing the type of business conducted at a retail
23 licensed premises, a retailer's licensee may be designated by
24 the State Commission as (i) an on premise consumption
25 retailer, (ii) an off premise sale retailer, or (iii) a
26 combined on premise consumption and off premise sale retailer.

1 Except for a municipality with a population of more than
2 1,000,000 inhabitants, a home rule unit may not regulate the
3 delivery of alcoholic liquor inconsistent with this
4 subsection. This paragraph is a limitation under subsection
5 (i) of Section 6 of Article VII of the Illinois Constitution on
6 the concurrent exercise by home rule units of powers and
7 functions exercised by the State. A non-home rule municipality
8 may not regulate the delivery of alcoholic liquor inconsistent
9 with this subsection.

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

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

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

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

24 (f) A railroad license shall permit the licensee to import
25 alcoholic liquors into this State from any point in the United
26 States outside this State and to store such alcoholic liquors

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

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

25 (h) A non-beverage user's license shall allow the licensee
26 to purchase alcoholic liquor from a licensed manufacturer or

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

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

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

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

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

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

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

1 (iii) the foreign importer complies with the provisions of
2 Sections 6-5 and 6-6 of this Act to the same extent that these
3 provisions apply to manufacturers.

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

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

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

25 (ii) A broker's license shall be required of a person
26 within this State, other than a retail licensee, who, for a fee

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

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

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

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

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

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

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

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

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

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

25 Notwithstanding any other provision of this Act, a
26 licensed brewer, class 2 brewer, or non-resident dealer who

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 Except for a common carrier, a third-party provider
15 shipping wine on behalf of a winery shipper's license holder
16 is the agent of the winery shipper's license holder and, as
17 such, a winery shipper's license holder is responsible for the
18 acts and omissions of the third-party provider acting on
19 behalf of the license holder. A winery shipper's use of the
20 services of a third-party provider does not relieve the winery
21 shipper of any obligation under this Act or any rule adopted
22 under this Act. A third-party provider, ~~except for a common~~
23 ~~carrier,~~ that engages in shipping wine into Illinois must
24 comply with Section 5-8 and ~~on behalf of a winery shipper's~~
25 ~~license holder shall~~ consent to the jurisdiction of the State
26 Commission and the State. ~~Any third party, except for a common~~

1 ~~carrier, holding such an appointment shall, by February 1 of~~
2 ~~each calendar year and upon request by the State Commission or~~
3 ~~the Department of Revenue, file with the State Commission a~~
4 ~~statement detailing each shipment made to an Illinois~~
5 ~~resident. The statement shall include the name and address of~~
6 ~~the third party provider filing the statement, the time period~~
7 ~~covered by the statement, and the following information:~~

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

10 ~~(2) the quantity of the products delivered; and~~

11 ~~(3) the date and address of the shipment.~~

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

1 ~~Class C misdemeanor. In case of a continuing violation, each~~
2 ~~day's continuance thereof shall be a separate and distinct~~
3 ~~offense.~~

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

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

1 by the winery shipper and shipped to persons in this State, the
2 winery shipper's license shall be revoked in accordance with
3 the provisions of Article VII of this Act.

4 For tax purposes, a ~~A~~ winery shipper licensee must
5 collect, maintain, and submit to the State Commission on a
6 semi-annual basis the total number of cases per resident of
7 wine shipped to residents of this State. A winery shipper
8 licensed under this subsection (r) must comply with the
9 requirements of Section 6-29 of this Act.

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

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

19 (s) A craft distiller tasting permit license shall allow
20 an Illinois licensed class 1 craft distiller or class 2 craft
21 distiller to transfer a portion of its alcoholic liquor
22 inventory from its class 1 craft distiller or class 2 craft
23 distiller licensed premises to the premises specified in the
24 license hereby created and to conduct a sampling, only in the
25 premises specified in the license hereby created, of the
26 transferred alcoholic liquor in accordance with subsection (c)

1 of Section 6-31 of this Act. The transferred alcoholic liquor
2 may not be sold or resold in any form. An applicant for the
3 craft distiller tasting permit license must also submit with
4 the application proof satisfactory to the State Commission
5 that the applicant will provide dram shop liability insurance
6 to the maximum limits and have local authority approval.

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

20 (u) A distilling pub license shall allow the licensee to
21 only (i) manufacture up to 5,000 gallons of spirits per year
22 only on the premises specified in the license, (ii) make sales
23 of the spirits manufactured on the premises or, with the
24 approval of the State Commission, spirits manufactured on
25 another distilling pub licensed premises that is wholly owned
26 and operated by the same licensee to importing distributors

1 and distributors and to non-licensees for use and consumption,
2 (iii) store the spirits upon the premises, (iv) sell and offer
3 for sale at retail from the licensed premises for off-premises
4 consumption no more than 5,000 gallons per year so long as such
5 sales are only made in-person, (v) sell and offer for sale at
6 retail for use and consumption on the premises specified in
7 the license any form of alcoholic liquor purchased from a
8 licensed distributor or importing distributor, and (vi) with
9 the prior approval of the State Commission, annually transfer
10 no more than 5,000 gallons of spirits manufactured on the
11 premises to a licensed distilling pub wholly owned and
12 operated by the same licensee.

13 A distilling pub licensee shall not under any circumstance
14 sell or offer for sale spirits manufactured by the distilling
15 pub licensee to retail licensees.

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

1 (v) A craft distiller warehouse permit may be issued to
2 the holder of a class 1 craft distiller or class 2 craft
3 distiller license. The craft distiller warehouse permit shall
4 allow the holder to store or warehouse up to 500,000 gallons of
5 spirits manufactured by the holder of the permit at the
6 premises specified on the permit. Sales to non-licensees are
7 prohibited at the premises specified in the craft distiller
8 warehouse permit.

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

1 and have local authority approval. The State Commission shall
2 require the beer showcase applicant to comply with Section
3 6-27.1.

4 (Source: P.A. 101-16, eff. 6-14-19; 101-31, eff. 6-28-19;
5 101-81, eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff.
6 8-23-19; 101-615, eff. 12-20-19; 101-668, eff. 1-1-22;
7 102-442, eff. 8-20-21; 102-1142, eff. 2-17-23.)

8 (235 ILCS 5/5-8 new)

9 Sec. 5-8. Third-party provider registration.

10 (a) A third-party provider must register with the State
11 Commission before shipping wine into this State. Registration
12 as a third-party provider is valid for a 2-year period and may
13 be renewed. The application for registration as a third-party
14 provider must include:

15 (1) each address from which the third-party provider
16 will ship wine to a consumer;

17 (2) the name, business address, and license number of
18 each winery shipper, with the name stated as it appears on
19 the winery shipper license, on whose behalf the
20 third-party provider will ship wine to a consumer; and

21 (3) any other information the State Commission may
22 require.

23 (b) To register as a third-party provider, the third-party
24 provider must pay a \$50 fee and agree to:

25 (1) allow the State Commission to inspect and audit

1 its records under subsection (e);

2 (2) allow the State Commission to inspect a location
3 under Section 3-12;

4 (3) appoint and maintain an agent for service of
5 process under subsection (g); and

6 (4) submit to the jurisdiction of the State
7 Commission, the courts, and any other enforcement
8 authority of this State in a matter relating to
9 enforcement of a law of this State regulating shipment of
10 wine to a person in this State.

11 (c) A third-party provider may ship wine on behalf of a
12 winery shipper to a consumer only if:

13 (1) the third-party provider maintains a registration
14 under this Section that is not suspended, revoked, or
15 canceled;

16 (2) the wine was supplied to the third-party provider
17 by a licensed winery shipper;

18 (3) the package containing the wine clearly indicates:

19 (A) on the shipping label, the name and applicable
20 address of the third-party provider, as they appear in
21 the registration under this Section, as consignor, and
22 the name and address of the consumer, as intended
23 recipient;

24 (B) on the package or shipping label, the name and
25 winery shipper's license number of the licensed winery
26 shipper that supplied to the third-party provider the

1 wine contained in the package; and
2 (4) the shipment is otherwise authorized under this
3 Act.

4 (d) A registered third-party provider is subject to the
5 jurisdiction of the State Commission, the courts, and any
6 other enforcement authority of this State in a matter relating
7 to the enforcement of the laws of this State regulating
8 shipment of alcoholic liquor directly to a person in this
9 State.

10 (e) The State Commission may inspect and audit the records
11 of a registered third-party provider for compliance with the
12 laws of this State regulating shipment of wine directly to a
13 person in this State. A registered third-party provider shall
14 allow the State Commission to inspect and audit its records
15 and, at the State Commission's request in a record, provide
16 complete and accurate copies of its records to the State
17 Commission at a location specified by the State Commission,
18 not later than 15 days after the date of the request.

19 (f) The State Commission may inspect, during ordinary
20 hours of operation, a location where a registered third-party
21 provider conducts business to assess compliance with the laws
22 of this State regulating shipment of alcoholic liquor directly
23 to a person in this State.

24 (g) A registered third-party provider shall appoint and
25 continuously maintain with the State Commission an agent for
26 service of process. The agent may be located in this State or

1 another state. By appointing an agent under this subsection,
2 the registered third-party provider affirms that the agent
3 consents to accept service. Service of process on the agent
4 constitutes valid service of process on the registered
5 third-party provider in an action or proceeding arising out of
6 enforcement of law of this State regulating shipment of wine
7 directly to a person in this State. If a registered
8 third-party provider fails to maintain in the records of the
9 State Commission a current agent for service of process or if
10 the current agent cannot be served with reasonable diligence,
11 the State Commission is the agent for service of process.

12 (h) The State Commission may disclose a report, record,
13 order, or other information in its possession, for a
14 regulatory or enforcement purpose, to:

15 (1) a State agency or law enforcement agency;

16 (2) a local or state agency in another state with
17 regulatory authority over matters relating to alcoholic
18 liquor or taxation or a law enforcement agency of another
19 state; and

20 (3) a federal agency with regulatory authority
21 relating to alcoholic liquor or taxation or a federal law
22 enforcement agency.

23 (i) The State Commission may disclose to the public an
24 order resulting from a completed investigation.

1 Sec. 6-29. Winery shipper's license.

2 (a) The General Assembly declares that the following is
3 the intent of this Section:

4 (1) To authorize direct shipment of wine by an
5 out-of-state maker of wine on the same basis permitted an
6 in-state maker of wine pursuant to the authority of the
7 State under the provisions of Section 2 of the
8 Twenty-First Amendment to the United States Constitution
9 and in conformance with the United States Supreme Court
10 decision decided on May 16, 2005 in *Granholm v. Heald*.

11 (2) To reaffirm that the General Assembly's findings
12 and declarations that selling alcoholic liquor through
13 various direct marketing means such as catalogs,
14 newspapers, mailings, and the Internet directly to
15 consumers of this State poses a serious threat to the
16 State's efforts to further temperance and prevent youth
17 from accessing alcoholic liquor and the expansion of youth
18 access to additional types of alcoholic liquors.

19 (3) To maintain the State's broad powers granted by
20 Section 2 of the Twenty-First Amendment to the United
21 States Constitution to control the importation or sale of
22 alcoholic liquor and its right to structure its alcoholic
23 liquor distribution system.

24 (4) To ensure that the General Assembly, by
25 authorizing limited direct shipment of wine to meet the
26 directives of the United States Supreme Court, does not

1 intend to impair or modify the State's distribution of
2 wine through distributors or importing distributors, but
3 only to permit limited shipment of wine for personal use.

4 (5) To provide that, in the event that a court of
5 competent jurisdiction declares or finds that this
6 Section, which is enacted to conform Illinois law to the
7 United States Supreme Court decision, is invalid or
8 unconstitutional, the Illinois General Assembly at its
9 earliest general session shall conduct hearings and study
10 methods to conform to any directive or order of the court
11 consistent with the temperance and revenue collection
12 purposes of this Act.

13 (a-5) In this Section, "carrier" means a person or entity
14 that:

15 (1) holds himself, herself, or itself out to the
16 general public as engaged in the business of transporting
17 goods for a fee; and

18 (2) is engaged in the business of transporting and
19 delivering alcoholic beverages in this State directly to
20 consumers.

21 (b) Notwithstanding any other provision of law, a wine
22 shipper licensee may ship, for personal use and not for
23 resale, not more than 12 cases of wine per year to any resident
24 of this State who is 21 years of age or older.

25 (b-3) Notwithstanding any other provision of law, sale and
26 shipment by a winery shipper licensee pursuant to this Section

1 shall be deemed to constitute a sale in this State.

2 (b-5) The shipping container of any wine shipped under
3 this Section shall be clearly labeled with the following
4 words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF
5 AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY
6 MUST BE SHOWN BEFORE DELIVERY.". This warning must be
7 prominently displayed on the packaging. A licensee shall
8 require the transporter or common carrier that delivers the
9 wine to obtain the signature of a person 21 years of age or
10 older at the delivery address at the time of delivery. At the
11 expense of the licensee, the licensee shall receive a delivery
12 confirmation from the express company, common carrier, or
13 contract carrier indicating the location of the delivery, time
14 of delivery, and the name and signature of the individual 21
15 years of age or older who accepts delivery. The State
16 Commission shall design and create a label or approve a label
17 that must be affixed to the shipping container by the
18 licensee.

19 (b-10) A carrier may not deliver to a consumer a package
20 known by the carrier to contain wine unless:

21 (1) the consignor is a licensed winery shipper and the
22 carrier has verified its winery shipper license for the
23 current license period; or

24 (2) the consignor is a registered third-party provider
25 and the carrier has verified the registration.

26 A carrier that verifies that a winery shipper has a winery

1 shipper license for the current license period may consider
2 the license to be valid for the remainder of the license
3 period, unless the carrier receives notice from the State
4 Commission that the license has been suspended or revoked. A
5 carrier that verifies that a third-party provider is
6 registered may consider the registration to be valid unless
7 the carrier receives notice from the State Commission that the
8 registration has been suspended or revoked.

9 (b-15) A registered third-party provider shall file with
10 the State Commission a monthly report that includes:

11 (1) the name, business address, and registration
12 number of the third-party provider;

13 (2) the total number of gallons of wine shipped to
14 consumers by the third-party provider during the reporting
15 period; and

16 (3) for each shipment of wine to a consumer during the
17 reporting period:

18 (A) the name, business address, and license number
19 of the winery shipper on whose behalf the third-party
20 provider shipped the wine, with the name stated, if
21 possible, as it appears on the winery shipper license;

22 (B) the name and address of the consumer to whom
23 the wine was shipped;

24 (C) the address from which the third-party
25 provider originated the shipment, stated identically
26 as an address provided by the third-party provider

1 under paragraph (1) of subsection (a) of Section 5-8;

2 (D) the date the shipment was delivered;

3 (E) the type and quantity by volume of wine
4 shipped; and

5 (F) the name and business address of the carrier
6 that delivered the wine and the carrier's parcel
7 tracking number for the shipment.

8 If no business was transacted in this State during the
9 reporting period, a report under this subsection must include
10 the information under paragraph (1) and report that no
11 business was transacted in this State during the reporting
12 period.

13 Any books, records, supporting papers, and documents
14 containing information and data relating to a statement under
15 this subsection shall be kept and preserved for a period of 3
16 years, unless their destruction is authorized sooner in
17 writing by the Director of Revenue, and shall be open and
18 available to inspection by the Director of Revenue or the
19 State Commission or any duly authorized officer, agent, or
20 employee of the State Commission or the Department of Revenue,
21 at all times during business hours of the day. Any person who
22 violates any provision of this subsection or any rule of the
23 State Commission for the administration and enforcement of the
24 provisions of this subsection is guilty of a Class C
25 misdemeanor. In case of a continuing violation, each day's
26 continuance thereof shall be a separate and distinct offense.

1 (b-20) A licensed winery shipper shall file with the State
2 Commission a monthly report that includes:

3 (1) the name, business address, and license number of
4 the licensed winery shipper;

5 (2) the total gallons of each type of wine shipped to
6 consumers during the reporting period; and

7 (3) for each shipment of wine to a consumer during the
8 reporting period:

9 (A) the name and address of the consumer to whom
10 the wine was shipped;

11 (B) the date the shipment was delivered;

12 (C) the type and quantity by volume of wine
13 shipped;

14 (D) the purchase price of the wine shipped and the
15 amount and type of each tax charged in connection with
16 the wine;

17 (E) if the wine was shipped for the licensed
18 winery shipper by a third-party provider, the name,
19 business address, and registration number of the
20 third-party provider, with the name stated, if
21 possible, as it appears on the third-party provider's
22 registration; and

23 (F) if the wine was delivered by a carrier, the
24 name and business address of the carrier and the
25 carrier's parcel tracking number for the shipment.

26 If no business was transacted in this State during the

1 reporting period, a report under this subsection must include
2 the information under paragraph (1) and report that no
3 business was transacted in this State during the reporting
4 period.

5 (b-25) A carrier shall file with the State Commission a
6 monthly report that includes:

7 (1) the name and business address of the carrier;

8 (2) a list containing the name, business address, and
9 winery shipper license number or third-party provider
10 registration number of each licensed winery shipper and
11 registered third-party provider with which the carrier has
12 an agreement to ship wine, with the name stated, if
13 possible, as it appears on the winery shipper license or
14 third-party provider registration; and

15 (3) for each shipment known by the carrier to contain
16 wine that was delivered to a consumer during the reporting
17 period:

18 (A) the name and business address of the consignor
19 of the shipment;

20 (B) the name and address of the consumer;

21 (C) the date the shipment was delivered by the
22 carrier;

23 (D) the weight, in pounds, of the package; and

24 (E) the carrier's parcel tracking number for the
25 shipment.

26 If no business was transacted in this State during the

1 reporting period, a report under this subsection must include
2 the information under paragraph (1) and report that no
3 business was transacted in this State during the reporting
4 period.

5 (b-30) The State Commission shall prescribe the form and
6 deadline for filing a report under this Section. The State
7 Commission may require the report to be filed electronically.
8 The State Commission may require a person filing the report to
9 submit additional information, including business records, to
10 substantiate information in the report.

11 (b-35) Except as provided in subsection (b-40), reports
12 filed under this Section and information obtained from the
13 report, records inspected or obtained by the State Commission
14 under subsection (e) of Section 5-8, and other information
15 obtained by the State Commission relating to enforcement or
16 investigation of a violation of this Act are confidential,
17 exempt from disclosure under the Freedom of Information Act,
18 and exempt from public inspection.

19 (b-40) The State Commission may disclose a report under
20 this Section or information from the report:

21 (1) if reasonably necessary to enforce or implement
22 this Act or other law of this State relating to the
23 shipment of alcoholic liquor directly to individuals in
24 this State; or

25 (2) as a compilation of aggregated data if personally
26 identifiable information is not disclosed.

1 The State Commission may disclose to a carrier the
2 information specified under paragraph (3) of subsection (b-15)
3 and information specified under paragraph (2) of subsection
4 (a) of Section 5-8.

5 (b-42) A carrier shipping wine into or within this State
6 shall appoint and continuously maintain with the State
7 Commission an agent for service of process. The agent may be
8 located in this State or another state. By appointing an agent
9 under this subsection, the carrier affirms that the agent
10 consents to accept service. Service of process on the agent
11 constitutes valid service of process on the carrier in an
12 action or proceeding arising out of enforcement of law of this
13 State regulating shipment of wine directly to a person in this
14 State. If a carrier fails to maintain in the records of the
15 State Commission a current agent for service of process or if
16 the current agent cannot be served with reasonable diligence,
17 the State Commission is the agent for service of process.

18 (b-45) If the State Commission has reason to believe that
19 alcoholic liquor has been shipped unlawfully into or within
20 this State, the State Commission may give notice to the
21 consignor requiring the consignor to show cause why shipments
22 by the consignor into or within this State should not be
23 prohibited. If the State Commission, after an opportunity for
24 an evidentiary hearing, determines that the consignor shipped
25 alcoholic liquor into or within this State unlawfully, the
26 State Commission may issue an administrative order prohibiting

1 additional shipments by the consignor of alcoholic liquor into
2 or within this State.

3 (b-50) The State Commission may give notice to a carrier
4 of the administrative order under subsection (b-45). Except as
5 provided in subsection (b-60), beginning 10 days after the
6 date of the notice, and until the carrier receives notice that
7 the administrative order is rescinded, the carrier may not
8 accept from the consignor identified in the notice, for
9 shipment into or within this State, a package known by the
10 carrier to contain wine.

11 (b-55) For good cause, the State Commission may rescind an
12 administrative order issued under subsection (b-45). On
13 rescinding the order, the State Commission shall give notice
14 of the rescission to each carrier that received notice under
15 subsection (b-50) of the order.

16 (b-60) The State Commission may not hold a hearing under
17 subsection (a) less than 30 days after the date of the notice
18 requiring the consignor to show cause unless:

19 (1) the consignor agrees to an earlier hearing date;
20 or
21 (2) the notice describes with particularity how the
22 consignor's alleged unlawful shipment poses a serious risk
23 to public health or safety.

24 (b-65) If the notice includes a description under
25 paragraph (2) of subsection (b-60) and the State Commission
26 issues an administrative order under subsection (a):

1 (1) the order must identify the risk; and
2 (2) the State Commission's notice under subsection
3 (b-45) to a carrier must require the carrier to implement
4 the order as soon as possible.

5 (b-70) An administrative order issued under subsection (a)
6 is subject to judicial review under the Administrative Review
7 Law.

8 (b-75) This amendatory Act of the 103rd General Assembly
9 modifies, limits, or supersedes the Electronic Signatures in
10 Global and National Commerce Act, 15 U.S.C. Section 7001 et
11 seq., as amended, but does not modify, limit, or supersede 15
12 U.S.C. Section 7001(c), or authorize electronic delivery of
13 any of the notices described in 15 U.S.C. Section 7003(b).

14 (c) No broker within this State shall solicit consumers to
15 engage in direct wine shipments under this Section.

16 (d) It is not the intent of this Section to impair the
17 distribution of wine through distributors or importing
18 distributors, but only to permit shipments of wine for
19 personal use.

20 (Source: P.A. 95-634, eff. 6-1-08.)

21 (235 ILCS 5/7-3.5 new)

22 Sec. 7-3.5. Suspension, revocation, or nonrenewal of
23 license for unlawful shipping into another state.

24 (a) Notwithstanding subsection (b) of Section 10-1, the
25 State Commission may suspend, revoke, or refuse to issue or

1 renew a license to manufacture, distribute, or sell alcoholic
2 liquor issued by the State Commission if the State Commission
3 finds, after notice and an opportunity for an evidentiary
4 hearing, that the person holding the license has shipped
5 alcoholic liquor into another state in violation of that
6 state's law.

7 (b) The State Commission may not suspend, revoke, or
8 refuse to issue or renew a license issued by the State
9 Commission under subsection (a) if the person holding the
10 license shows that:

11 (1) the violation of the other state's law is the
12 subject of an enforcement action in the other state that
13 is pending before an administrative body or trial or
14 appellate court in the other state;

15 (2) an enforcement action described in paragraph (1)
16 has concluded in the other state and resulted in a
17 determination that no violation of the other state's law
18 occurred; or

19 (3) the violation of the other state's law occurred
20 more than 2 years before the date of the notice under
21 subsection (a).

22 (235 ILCS 5/7-15 new)

23 Sec. 7-15. Third-party provider registrations.
24 Registrations as a third-party provider shall be governed
25 under this Article in the same manner as licenses.

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