

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 5-1, 5-3, 6-16, 6-27.1, and 6-28.8 and by  
6 adding Sections 6-28.9 and 6-28.10 as follows:

7 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

18 (b) Distributor's license,

19 (c) Importing Distributor's license,

20 (d) Retailer's license,

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

22 (f) Railroad license,

23 (g) Boat license,

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

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

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

26 Class 1. A Distiller may make sales and deliveries of

1 alcoholic liquor to distillers, rectifiers, importing  
2 distributors, distributors and non-beverage users and to no  
3 other licensees.

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

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

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

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

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

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

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

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

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

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

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

25 Class 10. A class 1 craft distiller license, which may  
26 only be issued to a licensed craft distiller or licensed

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

1 gallons per year.

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

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

19 Class 11. A class 2 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  
22 100,000 gallons of spirits per year provided that the class 2  
23 craft distiller licensee does not manufacture more than a  
24 combined 100,000 gallons of spirits per year and is not a  
25 member of or affiliated with, directly or indirectly, a  
26 manufacturer that produces more than 100,000 gallons of

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

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

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

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

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

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

24 Class 13. A class 2 brewer license, which may only be  
25 issued to a licensed brewer or licensed non-resident dealer,  
26 shall allow the manufacture of up to 3,720,000 gallons of beer

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

26 A class 2 brewer may transfer beer to a brew pub wholly

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

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

18 Class 14. A class 3 brewer license, which may be issued to  
19 a brewer or a non-resident dealer, shall allow the manufacture  
20 of no more than 465,000 gallons of beer per year and no more  
21 than 155,000 gallons at a single brewery premises, and shall  
22 allow the sale of no more than 6,200 gallons of beer from each  
23 in-state or out-of-state class 3 brewery premises, or 18,600  
24 gallons in the aggregate, to retail licensees, class 1  
25 brewers, class 2 brewers, and class 3 brewers as long as the  
26 class 3 brewer licensee does not manufacture more than a

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

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

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

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

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

1 No person licensed as a distributor shall be granted a  
2 non-resident dealer's license.

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

22 (d) A retailer's license shall allow the licensee to sell  
23 and offer for sale at retail, only in the premises specified in  
24 the license, alcoholic liquor for use or consumption, but not  
25 for resale in any form. Except as provided in Section 6-16,  
26 6-29, or 6-29.1, nothing in this Act shall deny, limit,

1 remove, or restrict the ability of a holder of a retailer's  
2 license to transfer or ship alcoholic liquor to the purchaser  
3 for use or consumption subject to any applicable local law or  
4 ordinance. For the purposes of this Section, "shipping" means  
5 the movement of alcoholic liquor from a licensed retailer to a  
6 consumer via a common carrier. Except as provided in Section  
7 6-16, 6-29, or 6-29.1 and subject to the delivery requirements  
8 of Sections 6-28.9 and 6-28.10, nothing in this Act shall  
9 deny, limit, remove, or restrict the ability of a holder of a  
10 retailer's license to deliver alcoholic liquor to the  
11 purchaser for use or consumption. The delivery shall be made  
12 only within 12 hours from the time the alcoholic liquor leaves  
13 the licensed premises of the retailer for delivery. For the  
14 purposes of this Section, "delivery" means the movement of  
15 alcoholic liquor purchased from a licensed retailer to a  
16 consumer through the following methods:

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

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

21 (3) delivery by a third-party retailer delivery  
22 licensee ~~contractor, independent contractor, or agent~~ with  
23 whom the licensed retailer has contracted to make  
24 deliveries of alcoholic liquors.

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

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

9 Except for a municipality with a population of more than  
10 1,000,000 inhabitants, a home rule unit may not regulate the  
11 delivery of alcoholic liquor inconsistent with this  
12 subsection. This paragraph is a limitation under subsection  
13 (i) of Section 6 of Article VII of the Illinois Constitution on  
14 the concurrent exercise by home rule units of powers and  
15 functions exercised by the State. A non-home rule municipality  
16 may not regulate the delivery of alcoholic liquor inconsistent  
17 with this subsection.

18 Notwithstanding any other provision of this subsection  
19 (d), a retail licensee may sell alcoholic liquors to a special  
20 event retailer licensee for resale to the extent permitted  
21 under subsection (e).

22 (e) A special event retailer's license (not-for-profit)  
23 shall permit the licensee to purchase alcoholic liquors from  
24 an Illinois licensed distributor (unless the licensee  
25 purchases less than \$500 of alcoholic liquors for the special  
26 event, in which case the licensee may purchase the alcoholic

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

26 Nothing in this Act prohibits an Illinois licensed

1 distributor from offering credit or a refund for unused,  
2 salable alcoholic liquors to a holder of a special event  
3 retailer's license or the special event retailer's licensee  
4 from accepting the credit or refund of alcoholic liquors at  
5 the conclusion of the event specified in the license.

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

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

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

- 17 Class 1, not to exceed ..... 500 gallons
- 18 Class 2, not to exceed ..... 1,000 gallons
- 19 Class 3, not to exceed ..... 5,000 gallons
- 20 Class 4, not to exceed ..... 10,000 gallons
- 21 Class 5, not to exceed ..... 50,000 gallons

22 (i) A wine-maker's premises license shall allow a licensee  
 23 that concurrently holds a first-class wine-maker's license to  
 24 sell and offer for sale at retail in the premises specified in  
 25 such license not more than 50,000 gallons of the first-class  
 26 wine-maker's wine that is made at the first-class wine-maker's

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

1 of this Act.

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

23 (k) A foreign importer's license shall permit such  
24 licensee to purchase alcoholic liquor from Illinois licensed  
25 non-resident dealers only, and to import alcoholic liquor  
26 other than in bulk from any point outside the United States and

1 to sell such alcoholic liquor to Illinois licensed importing  
2 distributors and to no one else in Illinois; provided that (i)  
3 the foreign importer registers with the State Commission every  
4 brand of alcoholic liquor that it proposes to sell to Illinois  
5 licensees during the license period, (ii) the foreign importer  
6 complies with all of the provisions of Section 6-9 of this Act  
7 with respect to registration of such Illinois licensees as may  
8 be granted the right to sell such brands at wholesale, and  
9 (iii) the foreign importer complies 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.

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

22 No holder of a retailer's license issued by the Illinois  
23 Liquor Control Commission shall purchase or receive any  
24 alcoholic liquor, the order for which was solicited or offered  
25 for sale to such retailer by a broker unless the broker is the  
26 holder of a valid broker's license.

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

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

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

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

26           Any agent, representative, or person subject to

1 registration pursuant to subsection (a-1) of this Section  
2 shall not be eligible to receive a broker's license.

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

22 (n) A brew pub license shall allow the licensee to only (i)  
23 manufacture up to 155,000 gallons of beer per year only on the  
24 premises specified in the license, (ii) make sales of the beer  
25 manufactured on the premises or, with the approval of the  
26 Commission, beer manufactured on another brew pub licensed

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

19 A brew pub licensee shall not under any circumstance sell  
20 or offer for sale beer manufactured by the brew pub licensee to  
21 retail licensees.

22 A person who holds a class 2 brewer license may  
23 simultaneously hold a brew pub license if the class 2 brewer  
24 (i) does not, under any circumstance, sell or offer for sale  
25 beer manufactured by the class 2 brewer to retail licensees;  
26 (ii) does not hold more than 3 brew pub licenses in this State;

1 (iii) does not manufacture more than a combined 3,720,000  
2 gallons of beer per year, including the beer manufactured at  
3 the brew pub; and (iv) is not a member of or affiliated with,  
4 directly or indirectly, a manufacturer that produces more than  
5 3,720,000 gallons of beer per year or any other alcoholic  
6 liquor.

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

20 A brew pub licensee may apply for a class 3 brewer license  
21 and, upon meeting all applicable qualifications of this Act  
22 and relinquishing all commonly owned brew pub or retail  
23 licenses, shall be issued a class 3 brewer license. Nothing in  
24 this Act shall prohibit the issuance of a class 3 brewer  
25 license if the applicant:

26 (1) has a valid retail license on or before May 1,

1           2021;

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

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

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

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

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

26          Nothing in this Act prohibits a distributor or importing

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

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

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

13           (q) A special use permit license shall allow an Illinois  
14 licensed retailer to transfer a portion of its alcoholic  
15 liquor inventory from its retail licensed premises to the  
16 premises specified in the license hereby created; to purchase  
17 alcoholic liquor from a distributor or importing distributor  
18 to be delivered directly to the location specified in the  
19 license hereby created; and to sell or offer for sale at  
20 retail, only in the premises specified in the license hereby  
21 created, the transferred or delivered alcoholic liquor for use  
22 or consumption, but not for resale in any form. A special use  
23 permit license may be granted for the following time periods:  
24 one day or less; 2 or more days to a maximum of 15 days per  
25 location in any 12-month period. An applicant for the special  
26 use permit license must also submit with the application proof

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

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

16 Nothing in this Act prohibits a distributor or importing  
17 distributor from offering credit or a refund for unused,  
18 salable beer to a special use permit licensee or a special use  
19 permit licensee from accepting a credit or refund for unused,  
20 salable beer at the conclusion of the event specified in the  
21 license if: (i) the holder of the special use permit license  
22 has not transferred alcoholic liquor from its retail licensed  
23 premises to the premises specified in the special use permit  
24 license; (ii) the distributor or importing distributor offers  
25 the credit or refund for the unused, salable beer that it  
26 delivered to the premises specified in the special use permit

1 license and not for any unused, salable beer that the  
2 distributor or importing distributor delivered to the  
3 retailer's premises; and (iii) the unused, salable beer would  
4 likely spoil if transferred to the retailer premises.

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

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

20 Except for a common carrier, a third-party provider  
21 shipping wine on behalf of a winery shipper's license holder  
22 is the agent of the winery shipper's license holder and, as  
23 such, a winery shipper's license holder is responsible for the  
24 acts and omissions of the third-party provider acting on  
25 behalf of the license holder. A third-party provider, except  
26 for a common carrier, that engages in shipping wine into

1 Illinois on behalf of a winery shipper's license holder shall  
2 consent to the jurisdiction of the State Commission and the  
3 State. Any third-party, except for a common carrier, holding  
4 such an appointment shall, by February 1 of each calendar year  
5 and upon request by the State Commission or the Department of  
6 Revenue, file with the State Commission a statement detailing  
7 each shipment made to an Illinois resident. The statement  
8 shall include the name and address of the third-party provider  
9 filing the statement, the time period covered by the  
10 statement, and the following information:

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

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

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

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

1 person who violates any provision of this paragraph or any  
2 rule of the State Commission for the administration and  
3 enforcement of the provisions of this paragraph is guilty of a  
4 Class C misdemeanor. In case of a continuing violation, each  
5 day's continuance thereof shall be a separate and distinct  
6 offense.

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

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

1 with the provisions of Article VII of this Act. If a licensee  
2 fails to properly register and remit tax under the Use Tax Act  
3 or the Retailers' Occupation Tax Act for all wine that is sold  
4 by the winery shipper and shipped to persons in this State, the  
5 winery shipper's license shall be revoked in accordance with  
6 the provisions of Article VII of this Act.

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

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

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

22 (s) A craft distiller tasting permit license shall allow  
23 an Illinois licensed class 1 craft distiller or class 2 craft  
24 distiller to transfer a portion of its alcoholic liquor  
25 inventory from its class 1 craft distiller or class 2 craft  
26 distiller licensed premises to the premises specified in the

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

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

23 (u) A distilling pub license shall allow the licensee to  
24 only (i) manufacture up to 5,000 gallons of spirits per year  
25 only on the premises specified in the license, (ii) make sales  
26 of the spirits manufactured on the premises or, with the

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

16 A distilling pub licensee shall not under any circumstance  
17 sell or offer for sale spirits manufactured by the distilling  
18 pub licensee to retail licensees.

19 A person who holds a class 2 craft distiller license may  
20 simultaneously hold a distilling pub license if the class 2  
21 craft distiller (i) does not, under any circumstance, sell or  
22 offer for sale spirits manufactured by the class 2 craft  
23 distiller to retail licensees; (ii) does not hold more than 3  
24 distilling pub licenses in this State; (iii) does not  
25 manufacture more than a combined 100,000 gallons of spirits  
26 per year, including the spirits manufactured at the distilling

1 pub; and (iv) is not a member of or affiliated with, directly  
2 or indirectly, a manufacturer that produces more than 100,000  
3 gallons of spirits per year or any other alcoholic liquor.

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

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

1 license must also submit with the application proof  
2 satisfactory to the State Commission that the applicant will  
3 provide dram shop liability insurance to the maximum limits  
4 and have local authority approval. The State Commission shall  
5 require the beer showcase applicant to comply with Section  
6 6-27.1.

7 (x) A third-party retailer delivery license shall  
8 authorize a person who is not licensed to sell alcoholic  
9 liquor to deliver alcoholic liquor on behalf of a retailer  
10 licensee and to deliver alcoholic liquor on behalf of or at the  
11 request of an unlicensed purchaser of alcoholic liquor from a  
12 retailer licensee, subject to the provisions of Sections  
13 6-28.9 and 6-29.10. A third-party retailer delivery license is  
14 not required for an employee or independent contractor of a  
15 person holding a third-party retailer delivery license or for  
16 an employee of a retailer licensee who is not an independent  
17 contractor of a retailer licensee. A third-party retailer  
18 delivery licensee; a third-party retailer delivery licensee's  
19 officers, owners, and directors; and any person affiliated  
20 with the third-party retailer delivery licensee's ownership  
21 may not hold a direct or indirect financial or beneficial  
22 interest in any other business licensed under this Act, except  
23 a State-licensed retailer.

24 The issuance and regulation of a third-party retailer  
25 delivery license is an exclusive power and function of the  
26 State. A home rule or non-home rule unit may not issue or

1 regulate a third-party retailer delivery license. This  
 2 subsection is a denial and limitation of home rule powers and  
 3 functions under subsection (h) of Section 6 of Article VII of  
 4 the Illinois Constitution.

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

9 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

10 Sec. 5-3. License fees. Except as otherwise provided  
 11 herein, at the time application is made to the State  
 12 Commission for a license of any class, the applicant shall pay  
 13 to the State Commission the fee hereinafter provided for the  
 14 kind of license applied for.

15 The fee for licenses issued by the State Commission shall  
 16 be as follows:

17		Online	Initial
18		renewal	license
19			or
20			non-online
21			renewal

22 For a manufacturer's license:

23	Class 1. Distiller .....	\$4,000	\$5,000
24	Class 2. Rectifier .....	4,000	5,000
25	Class 3. Brewer .....	1,200	1,500

1	Class 4. First-class Wine		
2	Manufacturer .....	750	900
3	Class 5. Second-class		
4	Wine Manufacturer.....	1,500	1,750
5	Class 6. First-class wine-maker ....	750	900
6	Class 7. Second-class wine-maker ..	1,500	1,750
7	Class 8. Limited Wine		
8	Manufacturer .....	250	350
9	Class 9. Craft Distiller .....	2,000	2,500
10	Class 10. Class 1 Craft Distiller ..	50	75
11	Class 11. Class 2 Craft Distiller ..	75	100
12	Class 12. Class 1 Brewer .....	50	75
13	Class 13. Class 2 Brewer .....	75	100
14	Class 14. Class 3 Brewer .....	25	50
15	For a Brew Pub License .....	1,200	1,500
16	For a Distilling Pub License .....	1,200	1,500
17	For a caterer retailer's license ..	350	500
18	For a foreign importer's license ..	25	25
19	For an importing distributor's		
20	license.....	25	25
21	For a distributor's license		
22	(11,250,000 gallons		
23	or over) .....	1,450	2,200
24	For a distributor's license		
25	(over 4,500,000 gallons, but		
26	under 11,250,000 gallons) .....	950	1,450

1	For a distributor's license		
2	(4,500,000 gallons or under) ..	300	450
3	For a non-resident dealer's license		
4	(500,000 gallons or over)		
5	or with self-distribution		
6	privileges .....	1,200	1,500
7	For a non-resident dealer's license		
8	(under 500,000 gallons) .....	250	350
9	For a wine-maker's premises		
10	license.....	250	500
11	For a winery shipper's license		
12	(under 250,000 gallons) .....	200	350
13	For a winery shipper's license		
14	(250,000 or over, but		
15	under 500,000 gallons) .....	750	1,000
16	For a winery shipper's license		
17	(500,000 gallons or over) .....	1,200	1,500
18	For a wine-maker's premises		
19	license, second location .....	500	1,000
20	For a wine-maker's premises		
21	license, third location.....	500	1,000
22	For a retailer's license .....	600	750
23	For a special event retailer's		
24	license, (not-for-profit).....	25	25
25	For a beer showcase permit,		
26	one day only .....	100	150

1	2 days or more .....	150	250
2	For a special use permit license,		
3	one day only .....	100	150
4	2 days or more .....	150	250
5	For a railroad license .....	100	150
6	For a boat license .....	500	1,000
7	For an airplane license, times the		
8	licensee's maximum number of		
9	aircraft in flight, serving		
10	liquor over the State at any		
11	given time, which either		
12	originate, terminate, or make		
13	an intermediate stop in		
14	the State.....	100	150
15	For a non-beverage user's license:		
16	Class 1.....	24	24
17	Class 2.....	60	60
18	Class 3.....	120	120
19	Class 4.....	240	240
20	Class 5.....	600	600
21	For a broker's license .....	750	1,000
22	For an auction liquor license .....	100	150
23	For a homebrewer special		
24	event permit .....	25	25
25	For a craft distiller		
26	tasting permit .....	25	25

1	For a BASSET trainer license .....	300	350
2	For a tasting representative		
3	license.....	200	300
4	For a brewer warehouse permit .....	25	25
5	For a craft distiller		
6	warehouse permit .....	25	25
7	<u>For a third-party retailer</u>		
8	<u>delivery license .....</u>	<u>1,500</u>	<u>1,750</u>

9 Fees collected under this Section shall be paid into the  
 10 Dram Shop Fund. The State Commission shall waive license  
 11 renewal fees for those retailers' licenses that are designated  
 12 as "1A" by the State Commission and expire on or after July 1,  
 13 2022, and on or before June 30, 2023. One-half of the funds  
 14 received for a retailer's license shall be paid into the Dram  
 15 Shop Fund and one-half of the funds received for a retailer's  
 16 license shall be paid into the General Revenue Fund.

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

19 (a) Hospitals, sanitariums, or clinics when their use  
 20 of alcoholic liquor is exclusively medicinal, mechanical,  
 21 or scientific.

22 (b) Universities, colleges of learning, or schools  
 23 when their use of alcoholic liquor is exclusively  
 24 medicinal, mechanical, or scientific.

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

1 (Source: P.A. 102-442, eff. 8-20-21; 102-558, eff. 8-20-21;  
2 102-699, eff. 4-19-22; 102-1142, eff. 2-17-23; 103-154, eff.  
3 6-30-23; revised 9-5-23.)

4 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

5 Sec. 6-16. Prohibited sales and possession.

6 (a) (i) No licensee nor any officer, associate, member,  
7 representative, agent, or employee of such licensee shall  
8 sell, give, or deliver alcoholic liquor to any person under  
9 the age of 21 years or to any intoxicated person, except as  
10 provided in Section 6-16.1. (ii) No express company, common  
11 carrier, or contract carrier nor any representative, agent, or  
12 employee on behalf of an express company, common carrier, or  
13 contract carrier that carries or transports alcoholic liquor  
14 for delivery within this State shall knowingly give or  
15 knowingly deliver to a residential address any shipping  
16 container clearly labeled as containing alcoholic liquor and  
17 labeled as requiring signature of an adult of at least 21 years  
18 of age to any person in this State under the age of 21 years.  
19 An express company, common carrier, or contract carrier that  
20 carries or transports such alcoholic liquor for delivery  
21 within this State shall obtain a signature at the time of  
22 delivery acknowledging receipt of the alcoholic liquor by an  
23 adult who is at least 21 years of age. At no time while  
24 delivering alcoholic beverages within this State may any  
25 representative, agent, or employee of an express company,

1 common carrier, or contract carrier that carries or transports  
2 alcoholic liquor for delivery within this State deliver the  
3 alcoholic liquor to a residential address without the  
4 acknowledgment of the consignee and without first obtaining a  
5 signature at the time of the delivery by an adult who is at  
6 least 21 years of age. A signature of a person on file with the  
7 express company, common carrier, or contract carrier does not  
8 constitute acknowledgement of the consignee. Any express  
9 company, common carrier, or contract carrier that transports  
10 alcoholic liquor for delivery within this State that violates  
11 this item (ii) of this subsection (a) by delivering alcoholic  
12 liquor without the acknowledgement of the consignee and  
13 without first obtaining a signature at the time of the  
14 delivery by an adult who is at least 21 years of age is guilty  
15 of a business offense for which the express company, common  
16 carrier, or contract carrier that transports alcoholic liquor  
17 within this State shall be fined not more than \$1,001 for a  
18 first offense, not more than \$5,000 for a second offense, and  
19 not more than \$10,000 for a third or subsequent offense. An  
20 express company, common carrier, or contract carrier shall be  
21 held vicariously liable for the actions of its  
22 representatives, agents, or employees. For purposes of this  
23 Act, in addition to other methods authorized by law, an  
24 express company, common carrier, or contract carrier shall be  
25 considered served with process when a representative, agent,  
26 or employee alleged to have violated this Act is personally

1 served. Each shipment of alcoholic liquor delivered in  
2 violation of this item (ii) of this subsection (a) constitutes  
3 a separate offense. (iii) No person, after purchasing or  
4 otherwise obtaining alcoholic liquor, shall sell, give, or  
5 deliver such alcoholic liquor to another person under the age  
6 of 21 years, except in the performance of a religious ceremony  
7 or service. Except as otherwise provided in item (ii), any  
8 express company, common carrier, or contract carrier that  
9 transports alcoholic liquor within this State that violates  
10 the provisions of item (i), (ii), or (iii) of this paragraph of  
11 this subsection (a) is guilty of a Class A misdemeanor and the  
12 sentence shall include, but shall not be limited to, a fine of  
13 not less than \$500. Any person who violates the provisions of  
14 item (iii) of this paragraph of this subsection (a) is guilty  
15 of a Class A misdemeanor and the sentence shall include, but  
16 shall not be limited to a fine of not less than \$500 for a  
17 first offense and not less than \$2,000 for a second or  
18 subsequent offense. Any person who knowingly violates the  
19 provisions of item (iii) of this paragraph of this subsection  
20 (a) is guilty of a Class 4 felony if a death occurs as the  
21 result of the violation.

22 If a licensee or officer, associate, member,  
23 representative, agent, or employee of the licensee, or a  
24 representative, agent, or employee of an express company,  
25 common carrier, or contract carrier that carries or transports  
26 alcoholic liquor for delivery within this State, is prosecuted

1 under this paragraph of this subsection (a) for selling,  
2 giving, or delivering alcoholic liquor to a person under the  
3 age of 21 years, the person under 21 years of age who attempted  
4 to buy or receive the alcoholic liquor may be prosecuted  
5 pursuant to Section 6-20 of this Act, unless the person under  
6 21 years of age was acting under the authority of a law  
7 enforcement agency, the Illinois Liquor Control Commission, or  
8 a local liquor control commissioner pursuant to a plan or  
9 action to investigate, patrol, or conduct any similar  
10 enforcement action.

11 For the purpose of preventing the violation of this  
12 Section, any licensee, or his agent or employee, or a  
13 representative, agent, or employee of an express company,  
14 common carrier, or contract carrier that carries or transports  
15 alcoholic liquor for delivery within this State, shall refuse  
16 to sell, deliver, or serve alcoholic beverages to any person  
17 who is unable to produce adequate written evidence of identity  
18 and of the fact that he or she is over the age of 21 years, if  
19 requested by the licensee, agent, employee, or representative.

20 Adequate written evidence of age and identity of the  
21 person is a document issued by a federal, state, county, or  
22 municipal government, or subdivision or agency thereof,  
23 including, but not limited to, a motor vehicle operator's  
24 license, a registration certificate issued under the Federal  
25 Selective Service Act, or an identification card issued to a  
26 member of the Armed Forces. Proof that the defendant-licensee,

1 or his employee or agent, or the representative, agent, or  
2 employee of the express company, common carrier, or contract  
3 carrier that carries or transports alcoholic liquor for  
4 delivery within this State demanded, was shown and reasonably  
5 relied upon such written evidence in any transaction forbidden  
6 by this Section is an affirmative defense in any criminal  
7 prosecution therefor or to any proceedings for the suspension  
8 or revocation of any license based thereon. It shall not,  
9 however, be an affirmative defense if the agent or employee  
10 accepted the written evidence knowing it to be false or  
11 fraudulent. If a false or fraudulent Illinois driver's license  
12 or Illinois identification card is presented by a person less  
13 than 21 years of age to a licensee or the licensee's agent or  
14 employee for the purpose of ordering, purchasing, attempting  
15 to purchase, or otherwise obtaining or attempting to obtain  
16 the serving of any alcoholic beverage, the law enforcement  
17 officer or agency investigating the incident shall, upon the  
18 conviction of the person who presented the fraudulent license  
19 or identification, make a report of the matter to the  
20 Secretary of State on a form provided by the Secretary of  
21 State.

22 However, no agent or employee of the licensee or employee  
23 of an express company, common carrier, or contract carrier  
24 that carries or transports alcoholic liquor for delivery  
25 within this State shall be disciplined or discharged for  
26 selling or furnishing liquor to a person under 21 years of age

1 if the agent or employee demanded and was shown, before  
2 furnishing liquor to a person under 21 years of age, adequate  
3 written evidence of age and identity of the person issued by a  
4 federal, state, county or municipal government, or subdivision  
5 or agency thereof, including but not limited to a motor  
6 vehicle operator's license, a registration certificate issued  
7 under the Federal Selective Service Act, or an identification  
8 card issued to a member of the Armed Forces. This paragraph,  
9 however, shall not apply if the agent or employee accepted the  
10 written evidence knowing it to be false or fraudulent.

11 Any person who sells, gives, or furnishes to any person  
12 under the age of 21 years any false or fraudulent written,  
13 printed, or photostatic evidence of the age and identity of  
14 such person or who sells, gives or furnishes to any person  
15 under the age of 21 years evidence of age and identification of  
16 any other person is guilty of a Class A misdemeanor and the  
17 person's sentence shall include, but shall not be limited to,  
18 a fine of not less than \$500.

19 Any person under the age of 21 years who presents or offers  
20 to any licensee, his agent or employee, any written, printed  
21 or photostatic evidence of age and identity that is false,  
22 fraudulent, or not actually his or her own for the purpose of  
23 ordering, purchasing, attempting to purchase or otherwise  
24 procuring or attempting to procure, the serving of any  
25 alcoholic beverage, who falsely states in writing that he or  
26 she is at least 21 years of age when receiving alcoholic liquor

1 from a representative, agent, or employee of an express  
2 company, common carrier, or contract carrier, or who has in  
3 his or her possession any false or fraudulent written,  
4 printed, or photostatic evidence of age and identity, is  
5 guilty of a Class A misdemeanor and the person's sentence  
6 shall include, but shall not be limited to, the following: a  
7 fine of not less than \$500 and at least 25 hours of community  
8 service. If possible, any community service shall be performed  
9 for an alcohol abuse prevention program.

10 Any person under the age of 21 years who has any alcoholic  
11 beverage in his or her possession on any street or highway or  
12 in any public place or in any place open to the public is  
13 guilty of a Class A misdemeanor. This Section does not apply to  
14 possession by a person under the age of 21 years making a  
15 delivery of an alcoholic beverage in pursuance of the order of  
16 his or her parent ~~or in pursuance of his or her employment.~~

17 (a-1) It is unlawful for any parent or guardian to  
18 knowingly permit his or her residence, any other private  
19 property under his or her control, or any vehicle, conveyance,  
20 or watercraft under his or her control to be used by an invitee  
21 of the parent's child or the guardian's ward, if the invitee is  
22 under the age of 21, in a manner that constitutes a violation  
23 of this Section. A parent or guardian is deemed to have  
24 knowingly permitted his or her residence, any other private  
25 property under his or her control, or any vehicle, conveyance,  
26 or watercraft under his or her control to be used in violation

1 of this Section if he or she knowingly authorizes or permits  
2 consumption of alcoholic liquor by underage invitees. Any  
3 person who violates this subsection (a-1) is guilty of a Class  
4 A misdemeanor and the person's sentence shall include, but  
5 shall not be limited to, a fine of not less than \$500. Where a  
6 violation of this subsection (a-1) directly or indirectly  
7 results in great bodily harm or death to any person, the person  
8 violating this subsection shall be guilty of a Class 4 felony.  
9 Nothing in this subsection (a-1) shall be construed to  
10 prohibit the giving of alcoholic liquor to a person under the  
11 age of 21 years in the performance of a religious ceremony or  
12 service in observation of a religious holiday.

13 For the purposes of this subsection (a-1) where the  
14 residence or other property has an owner and a tenant or  
15 lessee, the trier of fact may infer that the residence or other  
16 property is occupied only by the tenant or lessee.

17 (b) Except as otherwise provided in this Section whoever  
18 violates this Section shall, in addition to other penalties  
19 provided for in this Act, be guilty of a Class A misdemeanor.

20 (c) Any person shall be guilty of a Class A misdemeanor  
21 where he or she knowingly authorizes or permits a residence  
22 which he or she occupies to be used by an invitee under 21  
23 years of age and:

24 (1) the person occupying the residence knows that any  
25 such person under the age of 21 is in possession of or is  
26 consuming any alcoholic beverage; and

1           (2) the possession or consumption of the alcohol by  
2           the person under 21 is not otherwise permitted by this  
3           Act.

4           For the purposes of this subsection (c) where the  
5           residence has an owner and a tenant or lessee, the trier of  
6           fact may infer that the residence is occupied only by the  
7           tenant or lessee. The sentence of any person who violates this  
8           subsection (c) shall include, but shall not be limited to, a  
9           fine of not less than \$500. Where a violation of this  
10          subsection (c) directly or indirectly results in great bodily  
11          harm or death to any person, the person violating this  
12          subsection (c) shall be guilty of a Class 4 felony. Nothing in  
13          this subsection (c) shall be construed to prohibit the giving  
14          of alcoholic liquor to a person under the age of 21 years in  
15          the performance of a religious ceremony or service in  
16          observation of a religious holiday.

17          A person shall not be in violation of this subsection (c)  
18          if (A) he or she requests assistance from the police  
19          department or other law enforcement agency to either (i)  
20          remove any person who refuses to abide by the person's  
21          performance of the duties imposed by this subsection (c) or  
22          (ii) terminate the activity because the person has been unable  
23          to prevent a person under the age of 21 years from consuming  
24          alcohol despite having taken all reasonable steps to do so and  
25          (B) this assistance is requested before any other person makes  
26          a formal complaint to the police department or other law

1 enforcement agency about the activity.

2 (d) Any person who rents a hotel or motel room from the  
3 proprietor or agent thereof for the purpose of or with the  
4 knowledge that such room shall be used for the consumption of  
5 alcoholic liquor by persons under the age of 21 years shall be  
6 guilty of a Class A misdemeanor.

7 (e) Except as otherwise provided in this Act, any person  
8 who has alcoholic liquor in his or her possession on public  
9 school district property on school days or at events on public  
10 school district property when children are present is guilty  
11 of a petty offense, unless the alcoholic liquor (i) is in the  
12 original container with the seal unbroken and is in the  
13 possession of a person who is not otherwise legally prohibited  
14 from possessing the alcoholic liquor or (ii) is in the  
15 possession of a person in or for the performance of a religious  
16 service or ceremony authorized by the school board.

17 (Source: P.A. 97-1049, eff. 1-1-13; 98-1017, eff. 1-1-15.)

18 (235 ILCS 5/6-27.1)

19 Sec. 6-27.1. Responsible alcohol service server training.

20 (a) Unless issued a valid server training certificate  
21 between July 1, 2012 and July 1, 2015 by a certified Beverage  
22 Alcohol Sellers and Servers Education and Training (BASSET)  
23 trainer, all alcohol servers in Cook County are required to  
24 obtain and complete training in basic responsible alcohol  
25 service as outlined in 77 Ill. Adm. Code 3500, as those

1 provisions exist on July 1, 2015 (the effective date of Public  
2 Act 98-939), by July 1, 2015 or within 120 days after the  
3 alcohol server begins his or her employment, whichever is  
4 later. All alcohol servers in a county, other than Cook  
5 County, with a population of 200,000 inhabitants or more are  
6 required to obtain and complete training in basic responsible  
7 alcohol service as outlined in 77 Ill. Adm. Code 3500, as those  
8 provisions exist on July 1, 2015 (the effective date of Public  
9 Act 98-939), by July 1, 2016 or within 120 days after the  
10 alcohol server begins his or her employment, whichever is  
11 later. All alcohol servers in a county with a population of  
12 more than 30,000 inhabitants and less than 200,000 inhabitants  
13 are required to obtain and complete training in basic  
14 responsible alcohol service as outlined in 77 Ill. Adm. Code  
15 3500, as those provisions exist on July 1, 2015 (the effective  
16 date of Public Act 98-939), by July 1, 2017 or within 120 days  
17 after the alcohol server begins his or her employment,  
18 whichever is later. All alcohol servers in counties with a  
19 population of 30,000 inhabitants or less are required to  
20 obtain and complete training in basic responsible alcohol  
21 service as outlined in 77 Ill. Adm. Code 3500, as those  
22 provisions exist on July 1, 2015 (the effective date of Public  
23 Act 98-939), by July 1, 2018 or within 120 days after the  
24 alcohol server begins his or her employment, whichever is  
25 later.

26 There is no limit to the amount of times a server may take

1 the training. A certificate of training belongs to the server,  
2 and a server may transfer a certificate of training to a  
3 different employer, but shall not transfer a certificate of  
4 training to another server. Proof that an alcohol server has  
5 been trained must be available upon reasonable request by  
6 State law enforcement officials. For the purpose of this  
7 Section, "alcohol servers" means persons who sell or serve  
8 open containers of alcoholic beverages at retail, anyone who  
9 delivers alcoholic liquor on behalf of a third-party retailer  
10 delivery licensee, anyone who delivers mixed drinks under  
11 Section 6-28.8, and anyone whose job description entails the  
12 checking of identification for the purchase of open containers  
13 of alcoholic beverages at retail or for entry into the  
14 licensed premises. The definition does not include (i) a  
15 distributor or importing distributor conducting product  
16 sampling as authorized in Section 6-31 of this Act or a  
17 registered tasting representative, as provided in 11 Ill. Adm.  
18 Code 100.40, conducting a tasting, as defined in 11 Ill. Adm.  
19 Code 100.10; (ii) a volunteer serving alcoholic beverages at a  
20 charitable function; or (iii) an instructor engaged in  
21 training or educating on the proper technique for using a  
22 system that dispenses alcoholic beverages.

23 (b) Responsible alcohol service training must cover and  
24 assess knowledge of the topics noted in 77 Ill. Adm. Code  
25 3500.155.

26 (c) Beginning on the effective date of this amendatory Act

1 of the 98th General Assembly, but no later than October 1,  
2 2015, all existing BASSET trainers who are already BASSET  
3 certified as of the effective date of this amendatory Act of  
4 the 98th General Assembly shall be recertified by the State  
5 Commission and be required to comply with the conditions for  
6 server training set forth in this amendatory Act of the 98th  
7 General Assembly.

8 (d) Training modules and certificate program plans must be  
9 approved by the State Commission. All documents, materials, or  
10 information related to responsible alcohol service training  
11 program approval that are submitted to the State Commission  
12 are confidential and shall not be open to public inspection or  
13 dissemination and are exempt from disclosure.

14 The State Commission shall only approve programs that meet  
15 the following criteria:

16 (1) the training course covers the content specified  
17 in 77 Ill. Adm. Code 3500.155;

18 (2) if the training course is classroom-based, the  
19 classroom training is at least 4 hours, is available in  
20 English and Spanish, and includes a test;

21 (3) if the training course is online or  
22 computer-based, the course is designed in a way that  
23 ensures that no content can be skipped, is interactive,  
24 has audio for content for servers that have a disability,  
25 and includes a test;

26 (4) training and testing is based on a job task

1 analysis that clearly identifies and focuses on the  
2 knowledge, skills, and abilities needed to responsibly  
3 serve alcoholic beverages and is developed using best  
4 practices in instructional design and exam development to  
5 ensure that the program is fair and legally defensible;

6 (5) training and testing is conducted by any means  
7 available, including, but not limited to, online,  
8 computer, classroom, or live trainers; and

9 (6) the program must provide access on a  
10 24-hour-per-day, 7-days-per-week basis for certificate  
11 verification for State Commission, State law enforcement  
12 officials, and employers to be able to verify certificate  
13 authenticity.

14 (e) Nothing in subsection (d) of this Section shall be  
15 construed to require a program to use a test administrator or  
16 proctor.

17 (f) A certificate issued from a BASSET-licensed training  
18 program shall be accepted as meeting the training requirements  
19 for all server license and permit laws and ordinances in the  
20 State.

21 (g) A responsible alcohol service training certificate  
22 from a BASSET-licensed program shall be valid for 3 years.

23 (h) The provisions of this Section shall apply beginning  
24 July 1, 2015. From July 1, 2015 through December 31, 2015,  
25 enforcement of the provisions of this Section shall be limited  
26 to education and notification of the requirements to encourage

1 compliance.

2 (i) The provisions of this Section do not apply to a  
3 special event retailer.

4 (Source: P.A. 101-631, eff. 6-2-20.)

5 (235 ILCS 5/6-28.8)

6 (Section scheduled to be repealed on August 1, 2028)

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

9 (a) In this Section:

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

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

21 "Sealed container" means a rigid container that contains a  
22 mixed drink or a single serving of wine, is new, has never been  
23 used, has a secured lid or cap designed to prevent consumption  
24 without removal of the lid or cap, and is tamper-evident.

25 ~~"Sealed container" includes a manufacturer's original~~

1 ~~container as defined in this subsection.~~ "Sealed container"  
2 does not include a container with a lid with sipping holes or  
3 openings for straws or a container made of plastic, paper, or  
4 polystyrene foam.

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

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

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

17 (A) has been trained in accordance with Section  
18 6-27.1 at the time of the sale;

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

20 (C) upon delivery, verifies the age of the person  
21 to whom the cocktail, mixed drink, or single serving  
22 of wine is being delivered by obtaining a signature  
23 from a recipient aged 21 or over;

24 (2) if the employee delivering the cocktail, mixed  
25 drink, or single serving of wine is not able to safely  
26 verify a person's age or level of intoxication upon

1           delivery or is otherwise not able to complete the  
2           delivery, the employee shall cancel the sale of alcohol  
3           and return the product to the retail license holder;

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

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

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

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

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

19                 (D) the sealed container was filled less than 7  
20                 days before the date of sale. ~~and~~

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

25          (c) Third-party retailer delivery licensees ~~delivery~~  
26          ~~services~~ are not permitted to deliver cocktails and mixed

1 drinks under this Section.

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

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

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

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

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

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

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

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

1 Vehicle Code.

2 ~~(f-5) This Section is not intended to prohibit or preempt~~  
3 ~~the ability of a brew pub, tap room, or distilling pub to~~  
4 ~~continue to temporarily deliver alcoholic liquor pursuant to~~  
5 ~~guidance issued by the State Commission on March 19, 2020~~  
6 ~~entitled "Illinois Liquor Control Commission, COVID-19 Related~~  
7 ~~Actions, Guidance on Temporary Delivery of Alcoholic Liquor".~~

8 This Section shall only grant authorization to holders of  
9 State of Illinois retail liquor licenses but not to licensees  
10 that simultaneously hold any licensure or privilege to  
11 manufacture alcoholic liquors within or outside of the State  
12 of Illinois.

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

16 (h) This Section is repealed on August 1, 2028.

17 (Source: P.A. 102-8, eff. 6-2-21; 103-4, eff. 5-31-23.)

18 (235 ILCS 5/6-28.9 new)

19 Sec. 6-28.9. Third-party retailer delivery licensee  
20 requirements.

21 (a) A person who is not licensed as a retailer under this  
22 Act shall not deliver alcoholic liquor unless that person  
23 holds a third-party retailer delivery license. A third-party  
24 retailer delivery license is not required for deliveries made  
25 directly by a retailer licensee, including by an employee of a

1 retailer licensee. This Section does not authorize a  
2 third-party retailer delivery licensee or any other person to  
3 deliver alcoholic liquor on behalf of or from any non-retailer  
4 liquor license holder, including, but not limited to, license  
5 holders with the privilege to manufacture alcoholic liquors  
6 within or outside of the State, or from any other person  
7 outside the State of Illinois. A person qualifies for a  
8 third-party retailer delivery license if the person is not  
9 prohibited from licensure under Section 6-2.

10 (b) A third-party retailer delivery licensee shall make  
11 deliveries of alcoholic liquor in accordance with the  
12 following conditions:

13 (1) All alcoholic liquor deliveries pursuant to this  
14 Section shall be for alcoholic liquor sold not for resale  
15 by retailer licensees authorized to sell alcoholic liquor  
16 for off-premises consumption under subsection (d) of  
17 Section 5-1. Third-party retailer delivery licensees shall  
18 not deliver alcoholic liquor on behalf of retailer  
19 licensees authorized to sell alcoholic liquor for  
20 on-premises consumption only.

21 (2) All alcoholic liquor deliveries pursuant to this  
22 Section shall be for alcoholic liquor in the original  
23 package. Alcoholic liquor sold pursuant to Section 6-28.8  
24 may not be delivered by a third-party retailer delivery  
25 licensee.

26 (3) A third-party retailer delivery licensee may

1 charge a consumer a reasonable delivery fee similar to  
2 delivery fees for non-alcoholic liquor products.

3 (4) A third-party retailer delivery licensee shall  
4 conduct a background check of all employees and  
5 contractors that deliver alcoholic liquor on its behalf. A  
6 third-party retailer delivery licensee may not employ or  
7 contract with a person if that person would be prohibited  
8 from licensure under Section 6-2.

9 (5) A third-party retailer delivery licensee shall  
10 maintain a general liability insurance policy with a  
11 liquor liability addendum for the minimum coverage  
12 required by this Act. A third-party retailer delivery  
13 licensee is liable for any sales and deliveries of  
14 alcoholic liquor by its delivery agents to intoxicated  
15 persons or persons under the age of 21.

16 (6) A third-party retailer delivery licensee is  
17 subject to the provisions of Section 6-5 of this Act and  
18 shall not receive anything of value from a licensed  
19 manufacturer, non-resident dealer, distributor, importing  
20 distributor, or foreign importer, including, but not  
21 limited to, revenue for any advertisement or website  
22 placement of alcoholic liquor products on a third-party  
23 retailer delivery licensee website or online application.

24 (7) A third-party retailer delivery licensee shall not  
25 resell alcoholic liquor nor shall a third-party retailer  
26 delivery licensee deliver alcoholic liquor to a location

1 licensed to sell alcoholic liquor, except for private use  
2 at locations licensed as a hotel, as defined in Section  
3 1-3.25, or other similar accommodations.

4 (8) If the third-party retailer delivery licensee  
5 advertises the price of alcoholic liquor, then the price  
6 advertised shall be identical to the price charged by the  
7 retailer licensee. All alcoholic liquor products offered  
8 by a retailer licensee shall be offered by the third-party  
9 retailer delivery licensee.

10 (9) The third-party retailer delivery licensee may  
11 receive orders and accept payments through a website or  
12 through a mobile application or similar technology if the  
13 payments for alcoholic liquor are immediately directed to  
14 an account owned and controlled by the retailer licensee  
15 and the website or similar application identifies the name  
16 and address of the retailer licensee prior to completion  
17 of the sale.

18 (10) The third-party retailer delivery licensee shall  
19 maintain a record of all deliveries of alcoholic liquor  
20 for a period of 3 years from the date of delivery and shall  
21 make such records available to the State Commission within  
22 a reasonable time upon request. The record of each  
23 delivery shall include the following:

24 (A) The name and address of the retailer licensee  
25 from which the alcoholic liquor was purchased.

26 (B) The name, date of birth, address, and

1 signature of the recipient of the alcoholic liquor.

2 (C) The name of the delivery agent making the  
3 delivery and the date, time, and address of the  
4 delivery.

5 (D) The type, brand, and quantity of each  
6 alcoholic liquor delivered.

7 (E) An itemization of the alcoholic liquor  
8 products sold and the price of each alcoholic liquor  
9 item.

10 (11) A retailer licensee shall accept or reject all  
11 orders placed for alcoholic liquor through the third-party  
12 retailer delivery licensee and determine the price at  
13 which alcoholic liquor products are offered for sale by  
14 the retailer licensee and delivered by the third-party  
15 retailer delivery licensee.

16 (12) A retailer licensee may enter into a contract  
17 with a third-party retailer delivery licensee for a fixed  
18 fee for services. All contracts between the retailer  
19 licensee and a third-party retailer delivery licensee  
20 shall be provided by the retailer licensee or third-party  
21 retailer delivery licensee upon the request of the State  
22 Commission.

23 (13) Subject to the review of the State Commission, a  
24 third-party retailer delivery licensee shall use updated  
25 identification scanning or similar technology for the  
26 purpose of verifying the age and likeness of the

1       presenter.

2           (235 ILCS 5/6-28.10 new)

3       Sec. 6-28.10. Alcoholic liquor delivery requirements.

4       (a) For deliveries pursuant to subsection (d) of Section  
5 5-1 and Section 6-28.9, a retailer licensee and third-party  
6 retailer delivery licensee shall:

7           (1) conduct deliveries by a person 21 years of age or  
8 over holding a valid Beverage Alcohol Sellers and Servers  
9 Education Training (BASSET) certificate issued pursuant to  
10 Section 6-27.1 of this Act. A third-party retailer  
11 delivery licensee or a retailer engaged in the delivery of  
12 alcoholic liquor may request a waiver of the BASSET  
13 requirement for third-party retailer delivery licensee  
14 contract deliverers or retailer employee deliverers if the  
15 third-party retailer delivery licensee or retailer  
16 provides proof of its training module or program  
17 demonstrating to the satisfaction of the State Commission  
18 that such training module or program satisfies BASSET  
19 principles, such as underage or intoxicated person access  
20 prevention;

21           (2) examine the data and the photograph on the  
22 identification of the recipient and obtain the signature  
23 from the recipient to verify the recipient is 21 years of  
24 age or older. The data and the photograph of the recipient  
25 shall demonstrate a reasonable likeness of the recipient;

1           (3) unless the contents of the delivery are prepared  
2           and packaged by an agent of the third-party delivery  
3           licensee, include a statement clearly visible on the  
4           outside of the packaging that the delivery contains  
5           alcoholic liquor not to be provided to any person under  
6           the age of 21;

7           (4) fulfill the delivery order from the retailer  
8           licensee's location nearest to the address of the  
9           recipient;

10           (5) require the return of deliveries to the retailer  
11           licensee's location from which the alcoholic liquor is  
12           purchased if a delivery was attempted to an unqualified  
13           recipient, delivery was attempted to a recipient who  
14           refused delivery, or a delivery was unable to be completed  
15           for any other reason. An unqualified recipient of an  
16           alcoholic liquor delivery includes circumstances in which:

17           (A) there is reason to doubt the authenticity or  
18           correctness of the recipient's identification;

19           (B) the recipient refuses to sign for the receipt  
20           of the delivery;

21           (C) the recipient is unable to produce valid  
22           identification; or

23           (D) the recipient exhibits signs of intoxication;  
24           and

25           (6) refuse to deliver alcoholic liquor to any  
26           elementary school, secondary school, public playground, or

1 public park.

2 (b) Except for reasonable compensation provided to a  
3 delivery person pursuant to customary delivery practices, a  
4 retailer licensee or third-party retailer delivery licensee  
5 shall not compensate delivery personnel on the basis of a  
6 completed delivery but may compensate a delivery driver for a  
7 return of undeliverable alcoholic liquor.