



Rep. Daniel Biss

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1 AMENDMENT TO SENATE BILL 3315

2 AMENDMENT NO. _____. Amend Senate Bill 3315 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 5-1 and 6-4 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

- 1 (d) Retailer's license,
2 (e) Special Event Retailer's license (not-for-profit),
3 (f) Railroad license,
4 (g) Boat license,
5 (h) Non-Beverage User's license,
6 (i) Wine-maker's premises license,
7 (j) Airplane license,
8 (k) Foreign importer's license,
9 (l) Broker's license,
10 (m) Non-resident dealer's license,
11 (n) Brew Pub license,
12 (o) Auction liquor license,
13 (p) Caterer retailer license,
14 (q) Special use permit license,
15 (r) Winery shipper's license.

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

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

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

1 other licensees.

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

6 Class 3. A Brewer may make sales and deliveries of beer to
7 importing distributors and distributors and may make sales as
8 authorized under subsection (e) of Section 6-4 of this Act.

9 Class 4. A first class wine-manufacturer may make sales and
10 deliveries of up to 50,000 gallons of wine to manufacturers,
11 importing distributors and distributors, and to no other
12 licensees.

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

17 Class 6. A first-class wine-maker's license shall allow the
18 manufacture of up to 50,000 gallons of wine per year, and the
19 storage and sale of such wine to distributors in the State and
20 to persons without the State, as may be permitted by law. A
21 person who, prior to the effective date of this amendatory Act
22 of the 95th General Assembly, is a holder of a first-class
23 wine-maker's license and annually produces more than 25,000
24 gallons of its own wine and who distributes its wine to
25 licensed retailers shall cease this practice on or before July
26 1, 2008 in compliance with this amendatory Act of the 95th

1 General Assembly.

2 Class 7. A second-class wine-maker's license shall allow
3 the manufacture of between 50,000 and 150,000 gallons of wine
4 per year, and the storage and sale of such wine to distributors
5 in this State and to persons without the State, as may be
6 permitted by law. A person who, prior to the effective date of
7 this amendatory Act of the 95th General Assembly, is a holder
8 of a second-class wine-maker's license and annually produces
9 more than 25,000 gallons of its own wine and who distributes
10 its wine to licensed retailers shall cease this practice on or
11 before July 1, 2008 in compliance with this amendatory Act of
12 the 95th General Assembly.

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

17 Class 9. A craft distiller license shall allow the
18 manufacture of up to 30,000 gallons of spirits by distillation
19 for one year after the effective date of this amendatory Act of
20 the 97th General Assembly and up to 35,000 ~~up to 15,000~~ gallons
21 of spirits by distillation per year thereafter and the storage
22 of such spirits. If a craft distiller licensee is not
23 affiliated with any other manufacturer, then the craft
24 distiller licensee may sell such spirits to distributors in
25 this State and up to 2,500 gallons of such spirits to ~~and~~
26 non-licensees to the extent permitted by any exemption approved

1 by the Commission pursuant to Section 6-4 of this Act.

2 Any craft distiller licensed under this Act who on the
3 effective date of this amendatory Act of the 96th General
4 Assembly was licensed as a distiller and manufactured no more
5 spirits than permitted by this Section shall not be required to
6 pay the initial licensing fee.

7 Class 10. A craft brewer's license, which may only be
8 issued to a licensed brewer or licensed non-resident dealer,
9 shall allow the manufacture of up to 465,000 gallons of beer
10 per year. A craft brewer licensee may make sales and deliveries
11 to importing distributors and distributors and to retail
12 licensees in accordance with the conditions set forth in
13 paragraph (18) of subsection (a) of Section 3-12 of this Act.

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

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

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

9 (b) A distributor's license shall allow the wholesale
10 purchase and storage of alcoholic liquors and sale of alcoholic
11 liquors to licensees in this State and to persons without the
12 State, as may be permitted by law.

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

1 importing distributor's license shall permit such licensee to
2 purchase alcoholic liquor from Illinois licensed non-resident
3 dealers and foreign importers only.

4 (d) A retailer's license shall allow the licensee to sell
5 and offer for sale at retail, only in the premises specified in
6 the license, alcoholic liquor for use or consumption, but not
7 for resale in any form. Nothing in this amendatory Act of the
8 95th General Assembly shall deny, limit, remove, or restrict
9 the ability of a holder of a retailer's license to transfer,
10 deliver, or ship alcoholic liquor to the purchaser for use or
11 consumption subject to any applicable local law or ordinance.
12 Any retail license issued to a manufacturer shall only permit
13 the manufacturer to sell beer at retail on the premises
14 actually occupied by the manufacturer. For the purpose of
15 further describing the type of business conducted at a retail
16 licensed premises, a retailer's licensee may be designated by
17 the State Commission as (i) an on premise consumption retailer,
18 (ii) an off premise sale retailer, or (iii) a combined on
19 premise consumption and off premise sale retailer.

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

24 (e) A special event retailer's license (not-for-profit)
25 shall permit the licensee to purchase alcoholic liquors from an
26 Illinois licensed distributor (unless the licensee purchases

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

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

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

1 thereon.

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

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

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

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

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

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

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

1 provisions apply to manufacturers.

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

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

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

23 (ii) A broker's license shall be required of a person
24 within this State, other than a retail licensee, who, for a fee
25 or commission, promotes, solicits, or accepts orders for
26 alcoholic liquor, for use or consumption and not for resale, to

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

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

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

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

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

1 licensees during the license period, (ii) it shall comply with
2 all of the provisions of Section 6-9 hereof with respect to
3 registration of such Illinois licensees as may be granted the
4 right to sell such brands at wholesale, and (iii) the
5 non-resident dealer shall comply with the provisions of
6 Sections 6-5 and 6-6 of this Act to the same extent that these
7 provisions apply to manufacturers.

8 (n) A brew pub license shall allow the licensee (i) to
9 manufacture beer only on the premises specified in the license,
10 (ii) to make sales of the beer manufactured on the premises or,
11 with the approval of the Commission, beer manufactured on
12 another brew pub licensed premises that is substantially owned
13 and operated by the same licensee to importing distributors,
14 distributors, and to non-licensees for use and consumption,
15 (iii) to store the beer upon the premises, and (iv) to sell and
16 offer for sale at retail from the licensed premises, provided
17 that a brew pub licensee shall not sell for off-premises
18 consumption more than 50,000 gallons per year. A person who
19 holds a brew pub license may simultaneously hold a craft brewer
20 license if he or she otherwise qualifies for the craft brewer
21 license and the craft brewer license is for a location separate
22 from the brew pub's licensed premises. A brew pub license shall
23 permit a person who has received prior approval from the
24 Commission to annually transfer no more than a total of 50,000
25 gallons of beer manufactured on premises to all other licensed
26 brew pubs that are substantially owned and operated by the same

1 person.

2 (o) A caterer retailer license shall allow the holder to
3 serve alcoholic liquors as an incidental part of a food service
4 that serves prepared meals which excludes the serving of snacks
5 as the primary meal, either on or off-site whether licensed or
6 unlicensed.

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

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

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

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

23 A winery shipper licensee must pay to the Department of
24 Revenue the State liquor gallonage tax under Section 8-1 for
25 all wine that is sold by the licensee and shipped to a person
26 in this State. For the purposes of Section 8-1, a winery

1 shipper licensee shall be taxed in the same manner as a
2 manufacturer of wine. A licensee who is not otherwise required
3 to register under the Retailers' Occupation Tax Act must
4 register under the Use Tax Act to collect and remit use tax to
5 the Department of Revenue for all gallons of wine that are sold
6 by the licensee and shipped to persons in this State. If a
7 licensee fails to remit the tax imposed under this Act in
8 accordance with the provisions of Article VIII of this Act, the
9 winery shipper's license shall be revoked in accordance with
10 the provisions of Article VII of this Act. If a licensee fails
11 to properly register and remit tax under the Use Tax Act or the
12 Retailers' Occupation Tax Act for all wine that is sold by the
13 winery shipper and shipped to persons in this State, the winery
14 shipper's license shall be revoked in accordance with the
15 provisions of Article VII of this Act.

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

22 (Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11; 97-455,
23 eff. 8-19-11; 97-813, eff. 7-13-12.)

24 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

25 Sec. 6-4. (a) No person licensed by any licensing authority

1 as a distiller, or a wine manufacturer, or any subsidiary or
2 affiliate thereof, or any officer, associate, member, partner,
3 representative, employee, agent or shareholder owning more
4 than 5% of the outstanding shares of such person shall be
5 issued an importing distributor's or distributor's license,
6 nor shall any person licensed by any licensing authority as an
7 importing distributor, distributor or retailer, or any
8 subsidiary or affiliate thereof, or any officer or associate,
9 member, partner, representative, employee, agent or
10 shareholder owning more than 5% of the outstanding shares of
11 such person be issued a distiller's license or a wine
12 manufacturer's license; and no person or persons licensed as a
13 distiller by any licensing authority shall have any interest,
14 directly or indirectly, with such distributor or importing
15 distributor.

16 However, an importing distributor or distributor, which on
17 January 1, 1985 is owned by a brewer, or any subsidiary or
18 affiliate thereof or any officer, associate, member, partner,
19 representative, employee, agent or shareholder owning more
20 than 5% of the outstanding shares of the importing distributor
21 or distributor referred to in this paragraph, may own or
22 acquire an ownership interest of more than 5% of the
23 outstanding shares of a wine manufacturer and be issued a wine
24 manufacturer's license by any licensing authority.

25 (b) The foregoing provisions shall not apply to any person
26 licensed by any licensing authority as a distiller or wine

1 manufacturer, or to any subsidiary or affiliate of any
2 distiller or wine manufacturer who shall have been heretofore
3 licensed by the State Commission as either an importing
4 distributor or distributor during the annual licensing period
5 expiring June 30, 1947, and shall actually have made sales
6 regularly to retailers.

7 (c) Provided, however, that in such instances where a
8 distributor's or importing distributor's license has been
9 issued to any distiller or wine manufacturer or to any
10 subsidiary or affiliate of any distiller or wine manufacturer
11 who has, during the licensing period ending June 30, 1947, sold
12 or distributed as such licensed distributor or importing
13 distributor alcoholic liquors and wines to retailers, such
14 distiller or wine manufacturer or any subsidiary or affiliate
15 of any distiller or wine manufacturer holding such
16 distributor's or importing distributor's license may continue
17 to sell or distribute to retailers such alcoholic liquors and
18 wines which are manufactured, distilled, processed or marketed
19 by distillers and wine manufacturers whose products it sold or
20 distributed to retailers during the whole or any part of its
21 licensing periods; and such additional brands and additional
22 products may be added to the line of such distributor or
23 importing distributor, provided, that such brands and such
24 products were not sold or distributed by any distributor or
25 importing distributor licensed by the State Commission during
26 the licensing period ending June 30, 1947, but can not sell or

1 distribute to retailers any other alcoholic liquors or wines.

2 (d) It shall be unlawful for any distiller licensed
3 anywhere to have any stock ownership or interest in any
4 distributor's or importing distributor's license wherein any
5 other person has an interest therein who is not a distiller and
6 does not own more than 5% of any stock in any distillery.
7 Nothing herein contained shall apply to such distillers or
8 their subsidiaries or affiliates, who had a distributor's or
9 importing distributor's license during the licensing period
10 ending June 30, 1947, which license was owned in whole by such
11 distiller, or subsidiaries or affiliates of such distiller.

12 (e) Any person having been licensed as a manufacturer shall
13 be permitted to receive one retailer's license for the premises
14 in which he or she actually conducts such business, permitting
15 only the retail sale of beer manufactured at such premises and
16 only on such premises, but no such person shall be entitled to
17 more than one retailer's license in any event, and, other than
18 a manufacturer of beer as stated above, no manufacturer or
19 distributor or importing distributor, excluding airplane
20 licensees exercising powers provided in paragraph (i) of
21 Section 5-1 of this Act, or any subsidiary or affiliate
22 thereof, or any officer, associate, member, partner,
23 representative, employee or agent, or shareholder shall be
24 issued a retailer's license, nor shall any person having a
25 retailer's license, excluding airplane licensees exercising
26 powers provided in paragraph (i) of Section 5-1 of this Act, or

1 any subsidiary or affiliate thereof, or any officer, associate,
2 member, partner, representative or agent, or shareholder be
3 issued a manufacturer's license or importing distributor's
4 license.

5 A person licensed as a craft distiller not affiliated with
6 any other person manufacturing spirits may be authorized by the
7 Commission to sell up to 2,500 gallons of spirits produced by
8 the person to non-licensees for on or off-premises consumption
9 ~~permitted to receive one retailer's license~~ for the premises in
10 which he or she actually conducts business permitting only the
11 retail sale of spirits manufactured at such premises. Such
12 sales shall be limited to on-premises, in-person sales only,
13 for lawful consumption on or off premises, and such
14 authorization shall be considered a privilege granted by the
15 craft distiller license. A craft distiller licensed for retail
16 sale shall secure liquor liability insurance coverage in an
17 amount at least equal to the maximum liability amounts set
18 forth in subsection (a) of Section 6-21 of this Act.

19 (f) However, the foregoing prohibitions against any person
20 licensed as a distiller or wine manufacturer being issued a
21 retailer's license shall not apply:

22 (i) to any hotel, motel or restaurant whose principal
23 business is not the sale of alcoholic liquors if said
24 retailer's sales of any alcoholic liquors manufactured,
25 sold, distributed or controlled, directly or indirectly,
26 by any affiliate, subsidiary, officer, associate, member,

1 partner, representative, employee, agent or shareholder
2 owning more than 5% of the outstanding shares of such
3 person does not exceed 10% of the total alcoholic liquor
4 sales of said retail licensee; and

5 (ii) where the Commission determines, having
6 considered the public welfare, the economic impact upon the
7 State and the entirety of the facts and circumstances
8 involved, that the purpose and intent of this Section would
9 not be violated by granting an exemption.

10 (g) Notwithstanding any of the foregoing prohibitions, a
11 limited wine manufacturer may sell at retail at its
12 manufacturing site for on or off premises consumption and may
13 sell to distributors. A limited wine manufacturer licensee
14 shall secure liquor liability insurance coverage in an amount
15 at least equal to the maximum liability amounts set forth in
16 subsection (a) of Section 6-21 of this Act.

17 (Source: P.A. 96-1367, eff. 7-28-10; 97-606, eff. 8-26-11.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."