

HB4589



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4589

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-36

Amends the Liquor Control Act of 1934. In a provision that authorizes a person to make homemade brewed beverages without a license under the Act, adds a requirement that the person who purchases the apparatus or equipment used to produce the homemade brewed beverages must be 21 years of age or older. Effective immediately.

LRB099 18156 RPS 42523 b

A BILL FOR

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 6-36 as follows:

6 (235 ILCS 5/6-36)

7 Sec. 6-36. Homemade brewed beverages.

8 (a) No license or permit is required under this Act for the
9 making of homemade brewed beverages or for the possession,
10 transportation, or storage of homemade brewed beverages by any
11 person 21 years of age or older, if all of the following apply:

12 (1) the person who makes the homemade brewed beverages
13 receives no compensation;

14 (2) the homemade brewed beverages are not sold or
15 offered for sale; ~~and~~

16 (3) the total quantity of homemade brewed beverages
17 made, in a calendar year, by the person does not exceed 100
18 gallons if the household has only one person 21 years of
19 age or older or 200 gallons if the household has 2 or more
20 persons 21 years of age or older; and-

21 (4) the person who purchases the apparatus or equipment
22 used to produce the homemade brewed beverages is 21 years
23 of age or older.

1 (b) A person who makes, possesses, transports, or stores
2 homemade brewed beverages in compliance with the limitations
3 specified in subsection (a) is not a brewer, class 1 brewer,
4 class 2 brewer, wholesaler, retailer, or a manufacturer of beer
5 for the purposes of this Act.

6 (c) Homemade brewed beverages made in compliance with the
7 limitations specified in subsection (a) may be consumed by the
8 person who made it and his or her family, neighbors, and
9 friends at any private residence or other private location
10 where the possession and consumption of alcohol are permissible
11 under this Act, local ordinances, and other applicable law,
12 provided that the homemade brewed beverages are not made
13 available for consumption by the general public.

14 (d) Homemade brewed beverages made in compliance with the
15 limitations specified in subsection (a) may be used for
16 purposes of a public exhibition, demonstration, tasting, or
17 sampling with sampling sizes as authorized by Section 6-31, if
18 the event is held at a private residence or at a location other
19 than a retail licensed premises. If the public event is not
20 held at a private residence, the event organizer shall obtain a
21 homebrewer special event permit for each location, and is
22 subject to the provisions in subsection (a) of Section 6-21.
23 Homemade brewed beverages used for purposes described in this
24 subsection (d), including the submission or consumption of the
25 homemade brewed beverages, are not considered sold or offered
26 for sale under this Act. A public exhibition, demonstration,

1 tasting, or sampling with sampling sizes as authorized by
2 Section 6-31 held by a licensee on a location other than a
3 retail licensed premises may require an admission charge to the
4 event, but no separate or additional fee may be charged for the
5 consumption of a person's homemade brewed beverages at the
6 public exhibition, demonstration, tasting, or sampling with
7 sampling sizes as authorized by Section 6-31. Event admission
8 charges that are collected may be partially used to provide
9 prizes to makers of homemade brewed beverages, but the
10 admission charges may not be divided in any fashion among the
11 makers of the homemade brewed beverages who participate in the
12 event. Homemade brewed beverages used for purposes described in
13 this subsection (d) are not considered sold or offered for sale
14 under this Act if a maker of homemade brewed beverages receives
15 free event admission or discounted event admission in return
16 for the maker's donation of the homemade brewed beverages to an
17 event specified in this subsection (d) that collects event
18 admission charges; free admission or discounted admission to
19 the event is not considered compensation under this Act. No
20 admission fee and no charge for the consumption of a person's
21 homemade brewed beverage may be collected if the public
22 exhibition, demonstration, tasting, or sampling with sampling
23 sizes as authorized by Section 6-31 is held at a private
24 residence.

25 (e) A person who is not a licensee under this Act may at a
26 private residence, and a person who is a licensee under this

1 Act may on the licensed premises, conduct, sponsor, or host a
2 contest, competition, or other event for the exhibition,
3 demonstration, judging, tasting, or sampling of homemade
4 brewed beverages made in compliance with the limitations
5 specified in subsection (a), if the person does not sell the
6 homemade brewed beverages and, unless the person is the brewer
7 of the homemade brewed beverages, does not acquire any
8 ownership interest in the homemade brewed beverages. If the
9 contest, competition, exhibition, demonstration, or judging is
10 not held at a private residence, the consumption of the
11 homemade brewed beverages is limited to qualified judges and
12 stewards as defined by a national or international beer judging
13 program, who are identified by the event organizer in advance
14 of the contest, competition, exhibition, demonstration, or
15 judging. Homemade brewed beverages used for the purposes
16 described in this subsection (e), including the submission or
17 consumption of the homemade brewed beverages, are not
18 considered sold or offered for sale under this Act and any
19 prize awarded at a contest or competition or as a result of an
20 exhibition, demonstration, or judging is not considered
21 compensation under this Act. An exhibition, demonstration,
22 judging, contest, or competition held by a licensee on a
23 licensed premises may require an admission charge to the event,
24 but no separate or additional fee may be charged for the
25 consumption of a person's homemade brewed beverage at the
26 exhibition, demonstration, judging, contest, or competition. A

1 portion of event admission charges that are collected may be
2 used to provide prizes to makers of homemade brewed beverages,
3 but the admission charges may not be divided in any fashion
4 among the makers of the homemade brewed beverages who
5 participate in the event. Homemade brewed beverages used for
6 purposes described in this subsection (e) are not considered
7 sold or offered for sale under this Act if a maker of homemade
8 brewed beverages receives free event admission or discounted
9 event admission in return for the maker's donation of the
10 homemade brewed beverages to an event specified in this
11 subsection (e) that collects event admission charges; free
12 admission or discounted admission to the event is not
13 considered compensation under this Act. No admission fee and no
14 charge for the consumption of a person's homemade brewed
15 beverage may be charged if the exhibition, demonstration,
16 judging, contest, or competition is held at a private
17 residence. The fact that a person is acting in a manner
18 authorized by this Section is not, by itself, sufficient to
19 constitute a public nuisance under Section 10-7 of this Act. If
20 the contest, competition, or other event is held on licensed
21 premises, the licensee may allow the homemade brewed beverages
22 to be stored on the premises if the homemade brewed beverages
23 are clearly identified and kept separate from any alcohol
24 beverages owned by the licensee. If the contest, competition,
25 or other event is held on licensed premises, other provisions
26 of this Act not inconsistent with this Section apply.

1 (f) A commercial enterprise engaged primarily in selling
2 supplies and equipment to the public for use by homebrewers may
3 manufacture homemade brewed beverages for the purpose of
4 tasting the homemade brewed beverages at the location of the
5 commercial enterprise, provided that the homemade brewed
6 beverages are not sold or offered for sale. Homemade brewed
7 beverages provided at a commercial enterprise for tasting under
8 this subsection (f) shall be in compliance with Sections 6-16,
9 6-21, and 6-31 of this Act. A commercial enterprise engaged
10 solely in selling supplies and equipment for use by homebrewers
11 shall not be required to secure a license under this Act,
12 however, such commercial enterprise shall secure liquor
13 liability insurance coverage in an amount at least equal to the
14 maximum liability amounts set forth in subsection (a) of
15 Section 6-21 of this Act.

16 (g) Homemade brewed beverages are not subject to Section
17 8-1 of this Act.

18 (Source: P.A. 98-55, eff. 7-5-13; 99-78, eff. 7-20-15; 99-448,
19 eff. 8-24-15.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.