



Rep. Sara Feigenholtz

Filed: 3/31/2016

09900HB4589ham001

LRB099 18156 RPS 46390 a

1 AMENDMENT TO HOUSE BILL 4589

2 AMENDMENT NO. _____. Amend House Bill 4589 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 6-27.5, 6-28.5, and 6-36 as follows:

6 (235 ILCS 5/6-27.5)

7 Sec. 6-27.5. Mandatory schedule of prices. All retail
8 licensees shall maintain a schedule of drink ~~the~~ prices charged
9 for all drinks of alcoholic liquor to be served and consumed on
10 the licensed premises or in any room or part thereof. Whenever
11 a hotel or multi-use establishment which holds a valid
12 retailer's license operates on its premises more than one
13 establishment at which drinks of alcoholic liquor are sold at
14 retail, the hotel or multi-use establishment shall maintain at
15 each such establishment a separate schedule of drink ~~the~~ prices
16 charged for such drinks at that establishment. Drink prices

1 listed on the schedule of drink prices shall remain the same
2 for each drink for the entire business day, unless the drink
3 prices are changed in accordance with Section 6-28.5 of this
4 Act. Daily drink prices are not required to be the same for
5 each business day.

6 As used in this Section, "schedule of drink prices" means a
7 list, including, but not limited to, a drink menu, of the
8 brands, sizes, and prices for drinks of alcoholic liquor
9 offered by a license holder.

10 (Source: P.A. 99-46, eff. 7-15-15.)

11 (235 ILCS 5/6-28.5)

12 Sec. 6-28.5. Permitted happy hours and meal packages, party
13 packages, and entertainment packages.

14 (a) As used in this Section:

15 "Dedicated event space" means a room or rooms or other
16 clearly delineated space within a retail licensee's premises
17 that is reserved for the exclusive use of party package
18 invitees during the entirety of a party package. Furniture,
19 stanchions and ropes, or other room dividers may be used to
20 clearly delineate a dedicated event space.

21 "Food" means any edible item to be consumed by a person and
22 includes, but is not limited to, multi-course meals, buffets,
23 hors d'oeuvres, snacks, and finger foods. "Food" does not
24 include ice.

25 "Meal package" means a food and beverage package, which may

1 or may not include entertainment, where the service of
2 alcoholic liquor is an accompaniment to the food, including,
3 but not limited to, a meal, tour, tasting, or any combination
4 thereof for a fixed price by a retail licensee or any other
5 licensee operating within a sports facility, restaurant,
6 winery, brewery, or distillery.

7 "Party package" means a private party, function, or event
8 for a specific social or business occasion, either arranged by
9 invitation or reservation for a defined number of individuals,
10 that is not open to the general public and where attendees are
11 served both food and alcohol for a fixed price in a dedicated
12 event space.

13 (b) A retail licensee may:

14 (1) offer free food or entertainment at any time;

15 (2) include drinks of alcoholic liquor as part of a
16 meal package;

17 (3) sell or offer for sale a party package only if the
18 retail licensee:

19 (A) offers food in the dedicated event space;

20 (B) limits the party package to no more than 3
21 hours;

22 (C) distributes wristbands, lanyards, shirts, or
23 any other such wearable items to identify party package
24 attendees so the attendees may be granted access to the
25 dedicated event space; and

26 (D) excludes individuals not participating in the

1 party package from the dedicated event space;

2 (4) include drinks of alcoholic liquor as part of a
3 hotel package;

4 (5) negotiate drinks of alcoholic liquor as part of a
5 hotel package;

6 (6) provide room service to persons renting rooms at a
7 hotel;

8 (7) sell pitchers (or the equivalent, including, but
9 not limited to, buckets of bottled beer), carafes, or
10 bottles of alcoholic liquor which are customarily sold in
11 such manner, or sell bottles of spirits;

12 (8) advertise events permitted under this Section;

13 (9) include drinks of alcoholic liquor as part of an
14 entertainment package where the licensee is separately
15 licensed by a municipal ordinance that (A) restricts dates
16 of operation to dates during which there is an event at an
17 adjacent stadium, (B) restricts hours of serving alcoholic
18 liquor to 2 hours before the event and one hour after the
19 event, (C) restricts alcoholic liquor sales to beer and
20 wine, (D) requires tickets for admission to the
21 establishment, and (E) prohibits sale of admission tickets
22 on the day of an event and permits the sale of admission
23 tickets for single events only; ~~and~~

24 (10) discount any drink of alcoholic liquor during a
25 specified time period only if:

26 (A) the price of the drink of alcoholic liquor is

1 not changed during the time that it is discounted;

2 (B) the period of time during which any drink of
3 alcoholic liquor is discounted does not exceed 4 hours
4 per day and 15 hours per week; however, this period of
5 time is not required to be consecutive and may be
6 divided by the licensee in any manner;

7 (C) the drink of alcoholic liquor is not discounted
8 between the hours of 10:00 p.m. and the licensed
9 premises' closing hour; and

10 (D) notice of the discount of the drink of
11 alcoholic liquor during a specified time is posted on
12 the licensed premises or on the licensee's publicly
13 available website at least 7 days prior to the
14 specified time; ~~and~~.

15 (11) offer and advertise daily drink specials.

16 (c) ~~(b)~~ A violation of this Section shall be grounds for
17 suspension or revocation of the retailer's license as provided
18 by this Act. The State Commission may not enforce any trade
19 practice policy or other rule that was not adopted in
20 accordance with the Illinois Administrative Procedure Act.

21 (d) ~~(e)~~ All licensees affected by this Section must also
22 comply with Sections 6-16, 6-21, and 6-27.1 of this Act.

23 (Source: P.A. 99-46, eff. 7-15-15.)

24 (235 ILCS 5/6-36)

25 Sec. 6-36. Homemade brewed beverages.

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

5 (1) the person who makes the homemade brewed beverages
6 receives no compensation;

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

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

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

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

22 (c) Homemade brewed beverages made in compliance with the
23 limitations specified in subsection (a) may be consumed by the
24 person who made it and his or her family, neighbors, and
25 friends at any private residence or other private location
26 where the possession and consumption of alcohol are permissible

1 under this Act, local ordinances, and other applicable law,
2 provided that the homemade brewed beverages are not made
3 available for consumption by the general public.

4 (d) Homemade brewed beverages made in compliance with the
5 limitations specified in subsection (a) may be used for
6 purposes of a public exhibition, demonstration, tasting, or
7 sampling with sampling sizes as authorized by Section 6-31, if
8 the event is held at a private residence or at a location other
9 than a retail licensed premises. If the public event is not
10 held at a private residence, the event organizer shall obtain a
11 homebrewer special event permit for each location, and is
12 subject to the provisions in subsection (a) of Section 6-21.
13 Homemade brewed beverages used for purposes described in this
14 subsection (d), including the submission or consumption of the
15 homemade brewed beverages, are not considered sold or offered
16 for sale under this Act. A public exhibition, demonstration,
17 tasting, or sampling with sampling sizes as authorized by
18 Section 6-31 held by a licensee on a location other than a
19 retail licensed premises may require an admission charge to the
20 event, but no separate or additional fee may be charged for the
21 consumption of a person's homemade brewed beverages at the
22 public exhibition, demonstration, tasting, or sampling with
23 sampling sizes as authorized by Section 6-31. Event admission
24 charges that are collected may be partially used to provide
25 prizes to makers of homemade brewed beverages, but the
26 admission charges may not be divided in any fashion among the

1 makers of the homemade brewed beverages who participate in the
2 event. Homemade brewed beverages used for purposes described in
3 this subsection (d) are not considered sold or offered for sale
4 under this Act if a maker of homemade brewed beverages receives
5 free event admission or discounted event admission in return
6 for the maker's donation of the homemade brewed beverages to an
7 event specified in this subsection (d) that collects event
8 admission charges; free admission or discounted admission to
9 the event is not considered compensation under this Act. No
10 admission fee and no charge for the consumption of a person's
11 homemade brewed beverage may be collected if the public
12 exhibition, demonstration, tasting, or sampling with sampling
13 sizes as authorized by Section 6-31 is held at a private
14 residence.

15 (e) A person who is not a licensee under this Act may at a
16 private residence, and a person who is a licensee under this
17 Act may on the licensed premises, conduct, sponsor, or host a
18 contest, competition, or other event for the exhibition,
19 demonstration, judging, tasting, or sampling of homemade
20 brewed beverages made in compliance with the limitations
21 specified in subsection (a), if the person does not sell the
22 homemade brewed beverages and, unless the person is the brewer
23 of the homemade brewed beverages, does not acquire any
24 ownership interest in the homemade brewed beverages. If the
25 contest, competition, exhibition, demonstration, or judging is
26 not held at a private residence, the consumption of the

1 homemade brewed beverages is limited to qualified judges and
2 stewards as defined by a national or international beer judging
3 program, who are identified by the event organizer in advance
4 of the contest, competition, exhibition, demonstration, or
5 judging. Homemade brewed beverages used for the purposes
6 described in this subsection (e), including the submission or
7 consumption of the homemade brewed beverages, are not
8 considered sold or offered for sale under this Act and any
9 prize awarded at a contest or competition or as a result of an
10 exhibition, demonstration, or judging is not considered
11 compensation under this Act. An exhibition, demonstration,
12 judging, contest, or competition held by a licensee on a
13 licensed premises may require an admission charge to the event,
14 but no separate or additional fee may be charged for the
15 consumption of a person's homemade brewed beverage at the
16 exhibition, demonstration, judging, contest, or competition. A
17 portion of event admission charges that are collected may be
18 used to provide prizes to makers of homemade brewed beverages,
19 but the admission charges may not be divided in any fashion
20 among the makers of the homemade brewed beverages who
21 participate in the event. Homemade brewed beverages used for
22 purposes described in this subsection (e) are not considered
23 sold or offered for sale under this Act if a maker of homemade
24 brewed beverages receives free event admission or discounted
25 event admission in return for the maker's donation of the
26 homemade brewed beverages to an event specified in this

1 subsection (e) that collects event admission charges; free
2 admission or discounted admission to the event is not
3 considered compensation under this Act. No admission fee and no
4 charge for the consumption of a person's homemade brewed
5 beverage may be charged if the exhibition, demonstration,
6 judging, contest, or competition is held at a private
7 residence. The fact that a person is acting in a manner
8 authorized by this Section is not, by itself, sufficient to
9 constitute a public nuisance under Section 10-7 of this Act. If
10 the contest, competition, or other event is held on licensed
11 premises, the licensee may allow the homemade brewed beverages
12 to be stored on the premises if the homemade brewed beverages
13 are clearly identified and kept separate from any alcohol
14 beverages owned by the licensee. If the contest, competition,
15 or other event is held on licensed premises, other provisions
16 of this Act not inconsistent with this Section apply.

17 (f) A commercial enterprise engaged primarily in selling
18 supplies and equipment to the public for use by homebrewers may
19 manufacture homemade brewed beverages for the purpose of
20 tasting the homemade brewed beverages at the location of the
21 commercial enterprise, provided that the homemade brewed
22 beverages are not sold or offered for sale. Homemade brewed
23 beverages provided at a commercial enterprise for tasting under
24 this subsection (f) shall be in compliance with Sections 6-16,
25 6-21, and 6-31 of this Act. A commercial enterprise engaged
26 solely in selling supplies and equipment for use by homebrewers

1 shall not be required to secure a license under this Act,
2 however, such commercial enterprise shall secure liquor
3 liability insurance coverage in an amount at least equal to the
4 maximum liability amounts set forth in subsection (a) of
5 Section 6-21 of this Act.

6 (g) Homemade brewed beverages are not subject to Section
7 8-1 of this Act.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."