



Rep. Michael J. Zalewski

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1 AMENDMENT TO SENATE BILL 2797

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2797 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, 5-3, 6-4, and 6-31 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. Class 1 Brewer, Class 11. Class 2 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 (s) Craft distiller tasting permit.

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

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

25 Class 1. A Distiller may make sales and deliveries of  
26 alcoholic liquor to distillers, rectifiers, importing

1 distributors, distributors and non-beverage users and to no  
2 other licensees.

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

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

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

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

18 Class 6. A first-class wine-maker's license shall allow the  
19 manufacture of up to 50,000 gallons of wine per year, and the  
20 storage and sale of such wine to distributors in the State and  
21 to persons without the State, as may be permitted by law. A  
22 person who, prior to June 1, 2008 (the effective date of Public  
23 Act 95-634) ~~this amendatory Act of the 95th General Assembly,~~  
24 is a holder of a first-class wine-maker's license and annually  
25 produces more than 25,000 gallons of its own wine and who  
26 distributes its wine to licensed retailers shall cease this

1 practice on or before July 1, 2008 in compliance with Public  
2 Act 95-634 ~~this amendatory Act of the 95th General Assembly.~~

3 Class 7. A second-class wine-maker's license shall allow  
4 the manufacture of between 50,000 and 150,000 gallons of wine  
5 per year, and the storage and sale of such wine to distributors  
6 in this State and to persons without the State, as may be  
7 permitted by law. A person who, prior to June 1, 2008 (the  
8 effective date of Public Act 95-634) ~~this amendatory Act of the~~  
9 ~~95th General Assembly,~~ is a holder of a second-class  
10 wine-maker's license and annually produces more than 25,000  
11 gallons of its own wine and who distributes its wine to  
12 licensed retailers shall cease this practice on or before July  
13 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~  
14 ~~Act of the 95th General Assembly.~~

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

19 Class 9. A craft distiller license shall allow the  
20 manufacture of up to 100,000 ~~30,000~~ gallons of spirits by  
21 ~~distillation for one year after the effective date of this~~  
22 ~~amendatory Act of the 97th General Assembly and up to 35,000~~  
23 gallons of spirits by distillation per year ~~thereafter~~ and the  
24 storage of such spirits. If a craft distiller licensee,  
25 including a craft distiller licensee who holds more than one  
26 craft distiller license, is not affiliated with any other

1 manufacturer of spirits, then the craft distiller licensee may  
2 sell such spirits to distributors in this State and up to 2,500  
3 gallons of such spirits to non-licensees to the extent  
4 permitted by any exemption approved by the Commission pursuant  
5 to Section 6-4 of this Act. A craft distiller license holder  
6 may store such spirits at a non-contiguous licensed location,  
7 but at no time shall a craft distiller license holder directly  
8 or indirectly produce in the aggregate more than 100,000  
9 gallons of spirits per year.

10 A craft distiller licensee may hold more than one craft  
11 distiller's license. However, a craft distiller that holds more  
12 than one craft distiller license shall not manufacture, in the  
13 aggregate, more than 100,000 gallons of spirits by distillation  
14 per year and shall not sell, in the aggregate, more than 2,500  
15 gallons of such spirits to non-licensees in accordance with an  
16 exemption approved by the State Commission pursuant to Section  
17 6-4 of this Act.

18 Any craft distiller licensed under this Act who on July 28,  
19 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~  
20 ~~Act of the 96th General Assembly~~ was licensed as a distiller  
21 and manufactured no more spirits than permitted by this Section  
22 shall not be required to pay the initial licensing fee.

23 Class 10. A class 1 brewer license, which may only be  
24 issued to a licensed brewer or licensed non-resident dealer,  
25 shall allow the manufacture of up to 930,000 gallons of beer  
26 per year provided that the class 1 brewer licensee does not

1 manufacture more than a combined 930,000 gallons of beer per  
2 year and is not a member of or affiliated with, directly or  
3 indirectly, a manufacturer that produces more than 930,000  
4 gallons of beer per year or any other alcoholic liquor. A class  
5 1 brewer licensee may make sales and deliveries to importing  
6 distributors and distributors and to retail licensees in  
7 accordance with the conditions set forth in paragraph (18) of  
8 subsection (a) of Section 3-12 of this Act.

9 Class 11. A class 2 brewer license, which may only be  
10 issued to a licensed brewer or licensed non-resident dealer,  
11 shall allow the manufacture of up to 3,720,000 gallons of beer  
12 per year provided that the class 2 brewer licensee does not  
13 manufacture more than a combined 3,720,000 gallons of beer per  
14 year and is not a member of or affiliated with, directly or  
15 indirectly, a manufacturer that produces more than 3,720,000  
16 gallons of beer per year or any other alcoholic liquor. A class  
17 2 brewer licensee may make sales and deliveries to importing  
18 distributors and distributors, but shall not make sales or  
19 deliveries to any other licensee. If the State Commission  
20 provides prior approval, a class 2 brewer licensee may annually  
21 transfer up to 3,720,000 gallons of beer manufactured by that  
22 class 2 brewer licensee to the premises of a licensed class 2  
23 brewer wholly owned and operated by the same licensee.

24 (a-1) A manufacturer which is licensed in this State to  
25 make sales or deliveries of alcoholic liquor to licensed  
26 distributors or importing distributors and which enlists

1 agents, representatives, or individuals acting on its behalf  
2 who contact licensed retailers on a regular and continual basis  
3 in this State must register those agents, representatives, or  
4 persons acting on its behalf with the State Commission.

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

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

26 (c) An importing distributor's license may be issued to and

1 held by those only who are duly licensed distributors, upon the  
2 filing of an application by a duly licensed distributor, with  
3 the Commission and the Commission shall, without the payment of  
4 any fee, immediately issue such importing distributor's  
5 license to the applicant, which shall allow the importation of  
6 alcoholic liquor by the licensee into this State from any point  
7 in the United States outside this State, and the purchase of  
8 alcoholic liquor in barrels, casks or other bulk containers and  
9 the bottling of such alcoholic liquors before resale thereof,  
10 but all bottles or containers so filled shall be sealed,  
11 labeled, stamped and otherwise made to comply with all  
12 provisions, rules and regulations governing manufacturers in  
13 the preparation and bottling of alcoholic liquors. The  
14 importing distributor's license shall permit such licensee to  
15 purchase alcoholic liquor from Illinois licensed non-resident  
16 dealers and foreign importers only.

17 (d) A retailer's license shall allow the licensee to sell  
18 and offer for sale at retail, only in the premises specified in  
19 the license, alcoholic liquor for use or consumption, but not  
20 for resale in any form. Nothing in Public Act 95-634 ~~this~~  
21 ~~amendatory Act of the 95th General Assembly~~ shall deny, limit,  
22 remove, or restrict the ability of a holder of a retailer's  
23 license to transfer, deliver, or ship alcoholic liquor to the  
24 purchaser for use or consumption subject to any applicable  
25 local law or ordinance. Any retail license issued to a  
26 manufacturer shall only permit the manufacturer to sell beer at



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

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

12 (e) A special event retailer's license (not-for-profit)  
13 shall permit the licensee to purchase alcoholic liquors from an  
14 Illinois licensed distributor (unless the licensee purchases  
15 less than \$500 of alcoholic liquors for the special event, in  
16 which case the licensee may purchase the alcoholic liquors from  
17 a licensed retailer) and shall allow the licensee to sell and  
18 offer for sale, at retail, alcoholic liquors for use or  
19 consumption, but not for resale in any form and only at the  
20 location and on the specific dates designated for the special  
21 event in the license. An applicant for a special event retailer  
22 license must (i) furnish with the application: (A) a resale  
23 number issued under Section 2c of the Retailers' Occupation Tax  
24 Act or evidence that the applicant is registered under Section  
25 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
26 exemption identification number issued under Section 1g of the

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

15 (f) A railroad license shall permit the licensee to import  
16 alcoholic liquors into this State from any point in the United  
17 States outside this State and to store such alcoholic liquors  
18 in this State; to make wholesale purchases of alcoholic liquors  
19 directly from manufacturers, foreign importers, distributors  
20 and importing distributors from within or outside this State;  
21 and to store such alcoholic liquors in this State; provided  
22 that the above powers may be exercised only in connection with  
23 the importation, purchase or storage of alcoholic liquors to be  
24 sold or dispensed on a club, buffet, lounge or dining car  
25 operated on an electric, gas or steam railway in this State;  
26 and provided further, that railroad licensees exercising the

1 above powers shall be subject to all provisions of Article VIII  
2 of this Act as applied to importing distributors. A railroad  
3 license shall also permit the licensee to sell or dispense  
4 alcoholic liquors on any club, buffet, lounge or dining car  
5 operated on an electric, gas or steam railway regularly  
6 operated by a common carrier in this State, but shall not  
7 permit the sale for resale of any alcoholic liquors to any  
8 licensee within this State. A license shall be obtained for  
9 each car in which such sales are made.

10 (g) A boat license shall allow the sale of alcoholic liquor  
11 in individual drinks, on any passenger boat regularly operated  
12 as a common carrier on navigable waters in this State or on any  
13 riverboat operated under the Riverboat Gambling Act, which boat  
14 or riverboat maintains a public dining room or restaurant  
15 thereon.

16 (h) A non-beverage user's license shall allow the licensee  
17 to purchase alcoholic liquor from a licensed manufacturer or  
18 importing distributor, without the imposition of any tax upon  
19 the business of such licensed manufacturer or importing  
20 distributor as to such alcoholic liquor to be used by such  
21 licensee solely for the non-beverage purposes set forth in  
22 subsection (a) of Section 8-1 of this Act, and such licenses  
23 shall be divided and classified and shall permit the purchase,  
24 possession and use of limited and stated quantities of  
25 alcoholic liquor as follows:

26 Class 1, not to exceed ..... 500 gallons

1 Class 2, not to exceed ..... 1,000 gallons  
2 Class 3, not to exceed ..... 5,000 gallons  
3 Class 4, not to exceed ..... 10,000 gallons  
4 Class 5, not to exceed ..... 50,000 gallons

5 (i) A wine-maker's premises license shall allow a licensee  
6 that concurrently holds a first-class wine-maker's license to  
7 sell and offer for sale at retail in the premises specified in  
8 such license not more than 50,000 gallons of the first-class  
9 wine-maker's wine that is made at the first-class wine-maker's  
10 licensed premises per year for use or consumption, but not for  
11 resale in any form. A wine-maker's premises license shall allow  
12 a licensee who concurrently holds a second-class wine-maker's  
13 license to sell and offer for sale at retail in the premises  
14 specified in such license up to 100,000 gallons of the  
15 second-class wine-maker's wine that is made at the second-class  
16 wine-maker's licensed premises per year for use or consumption  
17 but not for resale in any form. A wine-maker's premises license  
18 shall allow a licensee that concurrently holds a first-class  
19 wine-maker's license or a second-class wine-maker's license to  
20 sell and offer for sale at retail at the premises specified in  
21 the wine-maker's premises license, for use or consumption but  
22 not for resale in any form, any beer, wine, and spirits  
23 purchased from a licensed distributor. Upon approval from the  
24 State Commission, a wine-maker's premises license shall allow  
25 the licensee to sell and offer for sale at (i) the wine-maker's  
26 licensed premises and (ii) at up to 2 additional locations for

1 use and consumption and not for resale. Each location shall  
2 require additional licensing per location as specified in  
3 Section 5-3 of this Act. A wine-maker's premises licensee shall  
4 secure liquor liability insurance coverage in an amount at  
5 least equal to the maximum liability amounts set forth in  
6 subsection (a) of Section 6-21 of this Act.

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

1           (k) A foreign importer's license shall permit such licensee  
2 to purchase alcoholic liquor from Illinois licensed  
3 non-resident dealers only, and to import alcoholic liquor other  
4 than in bulk from any point outside the United States and to  
5 sell such alcoholic liquor to Illinois licensed importing  
6 distributors and to no one else in Illinois; provided that (i)  
7 the foreign importer registers with the State Commission every  
8 brand of alcoholic liquor that it proposes to sell to Illinois  
9 licensees during the license period, (ii) the foreign importer  
10 complies with all of the provisions of Section 6-9 of this Act  
11 with respect to registration of such Illinois licensees as may  
12 be granted the right to sell such brands at wholesale, and  
13 (iii) the foreign importer complies with the provisions of  
14 Sections 6-5 and 6-6 of this Act to the same extent that these  
15 provisions apply to manufacturers.

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

26           No holder of a retailer's license issued by the Illinois

1 Liquor Control Commission shall purchase or receive any  
2 alcoholic liquor, the order for which was solicited or offered  
3 for sale to such retailer by a broker unless the broker is the  
4 holder of a valid broker's license.

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

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

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

24 This subsection (1) shall not apply to distributors,  
25 employees of distributors, or employees of a manufacturer who  
26 has registered the trademark, brand or name of the alcoholic

1 liquor pursuant to Section 6-9 of this Act, and who regularly  
2 sells such alcoholic liquor in the State of Illinois only to  
3 its registrants thereunder.

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

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

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 licensee  
2 to importing distributors, distributors, and to non-licensees  
3 for use and consumption, (iii) store the beer upon the  
4 premises, (iv) sell and offer for sale at retail from the  
5 licensed premises for off-premises consumption no more than  
6 155,000 gallons per year so long as such sales are only made  
7 in-person, (v) sell and offer for sale at retail for use and  
8 consumption on the premises specified in the license any form  
9 of alcoholic liquor purchased from a licensed distributor or  
10 importing distributor, and (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 wholly  
13 owned and operated by the same licensee.

14 A brew pub licensee shall not under any circumstance sell  
15 or offer for sale beer manufactured by the brew pub licensee to  
16 retail licensees.

17 A person who holds a class 2 brewer license may  
18 simultaneously hold a brew pub license if the class 2 brewer  
19 (i) does not, under any circumstance, sell or offer for sale  
20 beer manufactured by the class 2 brewer to retail licensees;  
21 (ii) does not hold more than 3 brew pub licenses in this State;  
22 (iii) does not manufacture more than a combined 3,720,000  
23 gallons of beer per year, including the beer manufactured at  
24 the brew pub; and (iv) is not a member of or affiliated with,  
25 directly or indirectly, a manufacturer that produces more than  
26 3,720,000 gallons of beer per year or any other alcoholic

1 liquor.

2       Notwithstanding any other provision of this Act, a licensed  
3 brewer, class 2 brewer, or non-resident dealer who before July  
4 1, 2015 manufactured less than ~~than~~ 3,720,000 gallons of beer  
5 per year and held a brew pub license on or before July 1, 2015  
6 may (i) continue to qualify for and hold that brew pub license  
7 for the licensed premises and (ii) manufacture more than  
8 3,720,000 gallons of beer per year and continue to qualify for  
9 and hold that brew pub license if that brewer, class 2 brewer,  
10 or non-resident dealer does not simultaneously hold a class 1  
11 brewer license and is not a member of or affiliated with,  
12 directly or indirectly, a manufacturer that produces more than  
13 3,720,000 gallons of beer per year or that produces any other  
14 alcoholic liquor.

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

20       (p) An auction liquor license shall allow the licensee to  
21 sell and offer for sale at auction wine and spirits for use or  
22 consumption, or for resale by an Illinois liquor licensee in  
23 accordance with provisions of this Act. An auction liquor  
24 license will be issued to a person and it will permit the  
25 auction liquor licensee to hold the auction anywhere in the  
26 State. An auction liquor license must be obtained for each

1 auction at least 14 days in advance of the auction date.

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

16 (r) A winery shipper's license shall allow a person with a  
17 first-class or second-class wine manufacturer's license, a  
18 first-class or second-class wine-maker's license, or a limited  
19 wine manufacturer's license or who is licensed to make wine  
20 under the laws of another state to ship wine made by that  
21 licensee directly to a resident of this State who is 21 years  
22 of age or older for that resident's personal use and not for  
23 resale. Prior to receiving a winery shipper's license, an  
24 applicant for the license must provide the Commission with a  
25 true copy of its current license in any state in which it is  
26 licensed as a manufacturer of wine. An applicant for a winery

1 shipper's license must also complete an application form that  
2 provides any other information the Commission deems necessary.  
3 The application form shall include an acknowledgement  
4 consenting to the jurisdiction of the Commission, the Illinois  
5 Department of Revenue, and the courts of this State concerning  
6 the enforcement of this Act and any related laws, rules, and  
7 regulations, including authorizing the Department of Revenue  
8 and the Commission to conduct audits for the purpose of  
9 ensuring compliance with Public Act 95-634 ~~this amendatory Act~~.

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

1 shipper's license shall be revoked in accordance with the  
2 provisions of Article VII of this Act.

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

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

13 (s) A craft distiller tasting permit license shall allow an  
14 Illinois licensed craft distiller to transfer a portion of its  
15 alcoholic liquor inventory from its craft distiller licensed  
16 premises to the premises specified in the license hereby  
17 created and to conduct a sampling, only in the premises  
18 specified in the license hereby created, of the transferred  
19 alcoholic liquor in accordance with subsection (c) of Section  
20 6-31 of this Act. The transferred alcoholic liquor may not be  
21 sold or resold in any form. An applicant for the craft  
22 distiller tasting permit license must also submit with the  
23 application proof satisfactory to the State Commission that the  
24 applicant will provide dram shop liability insurance to the  
25 maximum limits and have local authority approval.

26 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;

1 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

2 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

8 The fee for licenses issued by the State Commission shall  
9 be as follows:

10	For a manufacturer's license:	
11	Class 1. Distiller .....	\$3,600
12	Class 2. Rectifier .....	3,600
13	Class 3. Brewer .....	900
14	Class 4. First-class Wine Manufacturer .....	600
15	Class 5. Second-class	
16	Wine Manufacturer.....	1,200
17	Class 6. First-class wine-maker .....	600
18	Class 7. Second-class wine-maker .....	1200
19	Class 8. Limited Wine Manufacturer .....	120
20	Class 9. Craft Distiller .....	1,800
21	Class 10. Class 1 Brewer .....	25
22	Class 11. Class 2 Brewer .....	25
23	For a Brew Pub License .....	1,050
24	For a caterer retailer's license .....	200
25	For a foreign importer's license .....	25

1	For an importing distributor's license .....	25
2	For a distributor's license .....	270
3	For a non-resident dealer's license	
4	(500,000 gallons or over) .....	270
5	For a non-resident dealer's license	
6	(under 500,000 gallons) .....	90
7	For a wine-maker's premises license .....	100
8	For a winery shipper's license	
9	(under 250,000 gallons) .....	150
10	For a winery shipper's license	
11	(250,000 or over, but under 500,000 gallons)	500
12	For a winery shipper's license	
13	(500,000 gallons or over) .....	1,000
14	For a wine-maker's premises license,	
15	second location .....	350
16	For a wine-maker's premises license,	
17	third location .....	350
18	For a retailer's license .....	500
19	For a special event retailer's license,	
20	(not-for-profit) .....	25
21	For a special use permit license,	
22	one day only .....	50
23	2 days or more .....	100
24	For a railroad license .....	60
25	For a boat license .....	180
26	For an airplane license, times the	

1	licensee's maximum number of aircraft	
2	in flight, serving liquor over the	
3	State at any given time, which either	
4	originate, terminate, or make	
5	an intermediate stop in the State .....	60
6	For a non-beverage user's license:	
7	Class 1 .....	24
8	Class 2 .....	60
9	Class 3 .....	120
10	Class 4 .....	240
11	Class 5 .....	600
12	For a broker's license .....	600
13	For an auction liquor license .....	50
14	For a homebrewer special event permit .....	25
15	<u>For a craft distiller tasting permit .....</u>	<u>25</u>

16 Fees collected under this Section shall be paid into the  
17 Dram Shop Fund. On and after July 1, 2003, of the funds  
18 received for a retailer's license, in addition to the first  
19 \$175, an additional \$75 shall be paid into the Dram Shop Fund,  
20 and \$250 shall be paid into the General Revenue Fund. Beginning  
21 June 30, 1990 and on June 30 of each subsequent year through  
22 June 29, 2003, any balance over \$5,000,000 remaining in the  
23 Dram Shop Fund shall be credited to State liquor licensees and  
24 applied against their fees for State liquor licenses for the  
25 following year. The amount credited to each licensee shall be a  
26 proportion of the balance in the Dram Fund that is the same as



1 the proportion of the license fee paid by the licensee under  
2 this Section for the period in which the balance was  
3 accumulated to the aggregate fees paid by all licensees during  
4 that period.

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

7 (a) Hospitals, sanitariums, or clinics when their use  
8 of alcoholic liquor is exclusively medicinal, mechanical  
9 or scientific.

10 (b) Universities, colleges of learning or schools when  
11 their use of alcoholic liquor is exclusively medicinal,  
12 mechanical or scientific.

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

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

16 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

17 Sec. 6-4. (a) No person licensed by any licensing authority  
18 as a distiller, or a wine manufacturer, or any subsidiary or  
19 affiliate thereof, or any officer, associate, member, partner,  
20 representative, employee, agent or shareholder owning more  
21 than 5% of the outstanding shares of such person shall be  
22 issued an importing distributor's or distributor's license,  
23 nor shall any person licensed by any licensing authority as an  
24 importing distributor, distributor or retailer, or any  
25 subsidiary or affiliate thereof, or any officer or associate,

1 member, partner, representative, employee, agent or  
2 shareholder owning more than 5% of the outstanding shares of  
3 such person be issued a distiller's license, craft distiller's  
4 license, or a wine manufacturer's license; and no person or  
5 persons licensed as a distiller or craft distiller by any  
6 licensing authority shall have any interest, directly or  
7 indirectly, with such distributor or importing distributor.

8 However, an importing distributor or distributor, which on  
9 January 1, 1985 is owned by a brewer, or any subsidiary or  
10 affiliate thereof or any officer, associate, member, partner,  
11 representative, employee, agent or shareholder owning more  
12 than 5% of the outstanding shares of the importing distributor  
13 or distributor referred to in this paragraph, may own or  
14 acquire an ownership interest of more than 5% of the  
15 outstanding shares of a wine manufacturer and be issued a wine  
16 manufacturer's license by any licensing authority.

17 (b) The foregoing provisions shall not apply to any person  
18 licensed by any licensing authority as a distiller or wine  
19 manufacturer, or to any subsidiary or affiliate of any  
20 distiller or wine manufacturer who shall have been heretofore  
21 licensed by the State Commission as either an importing  
22 distributor or distributor during the annual licensing period  
23 expiring June 30, 1947, and shall actually have made sales  
24 regularly to retailers.

25 (c) Provided, however, that in such instances where a  
26 distributor's or importing distributor's license has been

1 issued to any distiller or wine manufacturer or to any  
2 subsidiary or affiliate of any distiller or wine manufacturer  
3 who has, during the licensing period ending June 30, 1947, sold  
4 or distributed as such licensed distributor or importing  
5 distributor alcoholic liquors and wines to retailers, such  
6 distiller or wine manufacturer or any subsidiary or affiliate  
7 of any distiller or wine manufacturer holding such  
8 distributor's or importing distributor's license may continue  
9 to sell or distribute to retailers such alcoholic liquors and  
10 wines which are manufactured, distilled, processed or marketed  
11 by distillers and wine manufacturers whose products it sold or  
12 distributed to retailers during the whole or any part of its  
13 licensing periods; and such additional brands and additional  
14 products may be added to the line of such distributor or  
15 importing distributor, provided, that such brands and such  
16 products were not sold or distributed by any distributor or  
17 importing distributor licensed by the State Commission during  
18 the licensing period ending June 30, 1947, but can not sell or  
19 distribute to retailers any other alcoholic liquors or wines.

20 (d) It shall be unlawful for any distiller licensed  
21 anywhere to have any stock ownership or interest in any  
22 distributor's or importing distributor's license wherein any  
23 other person has an interest therein who is not a distiller and  
24 does not own more than 5% of any stock in any distillery.  
25 Nothing herein contained shall apply to such distillers or  
26 their subsidiaries or affiliates, who had a distributor's or

1 importing distributor's license during the licensing period  
2 ending June 30, 1947, which license was owned in whole by such  
3 distiller, or subsidiaries or affiliates of such distiller.

4 (e) Any person licensed as a brewer, class 1 brewer, or  
5 class 2 brewer shall be permitted to sell on the licensed  
6 premises to non-licensees for on or off-premises consumption  
7 for the premises in which he or she actually conducts such  
8 business beer manufactured by the brewer, class 1 brewer, or  
9 class 2 brewer. Such sales shall be limited to on-premises,  
10 in-person sales only, for lawful consumption on or off  
11 premises. Such authorization shall be considered a privilege  
12 granted by the brewer license and, other than a manufacturer of  
13 beer as stated above, no manufacturer or distributor or  
14 importing distributor, excluding airplane licensees exercising  
15 powers provided in paragraph (i) of Section 5-1 of this Act, or  
16 any subsidiary or affiliate thereof, or any officer, associate,  
17 member, partner, representative, employee or agent, or  
18 shareholder shall be issued a retailer's license, nor shall any  
19 person having a retailer's license, 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 or agent, or shareholder be issued a  
24 manufacturer's license or importing distributor's license.

25 A person who holds a class 1 or class 2 brewer license and  
26 is authorized by this Section to sell beer to non-licensees

1 shall not sell beer to non-licensees from more than 3 total  
2 brewer or commonly owned brew pub licensed locations in this  
3 State. The class 1 or class 2 brewer shall designate to the  
4 State Commission the brewer or brew pub locations from which it  
5 will sell beer to non-licensees.

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

21 A craft distiller license holder shall not deliver any  
22 alcoholic liquor to any non-licensee off the licensed premises.  
23 A craft distiller shall affirm in its annual craft distiller's  
24 license application that it does not produce more than 100,000  
25 gallons of distilled spirits annually and that the craft  
26 distiller does not sell more than 2,500 gallons of spirits to

1 non-licensees for on or off-premises consumption. In the  
2 application, which shall be sworn under penalty of perjury, the  
3 craft distiller shall state the volume of production and sales  
4 for each year since the craft distiller's establishment.

5 (f) (Blank).

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

13 (h) The changes made to this Section by Public Act 99-47  
14 ~~this amendatory Act of the 99th General Assembly~~ shall not  
15 diminish or impair the rights of any person, whether a  
16 distiller, wine manufacturer, agent, or affiliate thereof, who  
17 requested in writing and submitted documentation to the State  
18 Commission on or before February 18, 2015 to be approved for a  
19 retail license pursuant to what has heretofore been subsection  
20 (f); provided that, on or before that date, the State  
21 Commission considered the intent of that person to apply for  
22 the retail license under that subsection and, by recorded vote,  
23 the State Commission approved a resolution indicating that such  
24 a license application could be lawfully approved upon that  
25 person duly filing a formal application for a retail license  
26 and if that person, within 90 days of the State Commission

1 appearance and recorded vote, first filed an application with  
2 the appropriate local commission, which application was  
3 subsequently approved by the appropriate local commission  
4 prior to consideration by the State Commission of that person's  
5 application for a retail license. It is further provided that  
6 the State Commission may approve the person's application for a  
7 retail license or renewals of such license if such person  
8 continues to diligently adhere to all representations made in  
9 writing to the State Commission on or before February 18, 2015,  
10 or thereafter, or in the affidavit filed by that person with  
11 the State Commission to support the issuance of a retail  
12 license and to abide by all applicable laws and duly adopted  
13 rules.

14 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;  
15 revised 10-30-15.)

16 (235 ILCS 5/6-31)

17 Sec. 6-31. Product sampling.

18 (a) Retailer, distributor, importing distributor,  
19 manufacturer and nonresident dealer licensees may conduct  
20 product sampling for consumption at a licensed retail location.  
21 Up to 3 samples, consisting of no more than (i) 1/4 ounce of  
22 distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of  
23 beer may be served to a consumer in one day.

24 (b) Notwithstanding the provisions of subsection (a), an  
25 on-premises retail licensee may offer for sale and serve more

1 than one drink per person for sampling purposes. In any event,  
2 all provisions of Section 6-28 shall apply to an on-premises  
3 retail licensee that conducts product sampling.

4 (c) A craft distiller tasting permit licensee may conduct  
5 product sampling of distilled spirits for consumption at the  
6 location specified in the craft distiller tasting permit  
7 license. Up to 3 samples, consisting of no more than 1/4 ounce  
8 of distilled spirits, may be served to a consumer in one day.

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

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