

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 5-1, 6-16, 6-29.1, and 10-1 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,

17 (d) Retailer's license,

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

19 (f) Railroad license,

20 (g) Boat license,

21 (h) Non-Beverage User's license,

22 (i) Wine-maker's premises license,

23 (j) Airplane license,

- 1 (k) Foreign importer's license,
- 2 (l) Broker's license,
- 3 (m) Non-resident dealer's license,
- 4 (n) Brew Pub license,
- 5 (o) Auction liquor license,
- 6 (p) Caterer retailer license,
- 7 (q) Special use permit license,
- 8 (r) Winery shipper's license.

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

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

17 Class 1. A Distiller may make sales and deliveries of
18 alcoholic liquor to distillers, rectifiers, importing
19 distributors, distributors and non-beverage users and to no
20 other licensees.

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

25 Class 3. A Brewer may make sales and deliveries of beer to
26 importing distributors and distributors and may make sales as

1 authorized under subsection (e) of Section 6-4 of this Act.

2 Class 4. A first class wine-manufacturer may make sales and
3 deliveries of up to 50,000 gallons of wine to manufacturers,
4 importing distributors and distributors, and to no other
5 licensees.

6 Class 5. A second class Wine manufacturer may make sales
7 and deliveries of more than 50,000 gallons of wine to
8 manufacturers, importing distributors and distributors and to
9 no other licensees.

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

21 Class 7. A second-class wine-maker's license shall allow
22 the manufacture of between 50,000 and 150,000 gallons of wine
23 per year, and the storage and sale of such wine to distributors
24 in this State and to persons without the State, as may be
25 permitted by law. A person who, prior to June 1, 2008 (the
26 effective date of Public Act 95-634) ~~this amendatory Act of the~~

1 ~~95th General Assembly~~, is a holder of a second-class
2 wine-maker's license and annually produces more than 25,000
3 gallons of its own wine and who distributes its wine to
4 licensed retailers shall cease this practice on or before July
5 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~
6 ~~Act of the 95th General Assembly~~.

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

11 Class 9. A craft distiller license shall allow the
12 manufacture of up to 30,000 gallons of spirits by distillation
13 for one year after March 1, 2013 (the effective date of Public
14 Act 97-1166) ~~this amendatory Act of the 97th General Assembly~~
15 and up to 35,000 gallons of spirits by distillation per year
16 thereafter and the storage of such spirits. If a craft
17 distiller licensee is not affiliated with any other
18 manufacturer, then the craft distiller licensee may sell such
19 spirits to distributors in this State and up to 2,500 gallons
20 of such spirits to non-licensees to the extent permitted by any
21 exemption approved by the Commission pursuant to Section 6-4 of
22 this Act.

23 Any craft distiller licensed under this Act who on July 28,
24 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~
25 ~~Act of the 96th General Assembly~~ was licensed as a distiller
26 and manufactured no more spirits than permitted by this Section

1 shall not be required to pay the initial licensing fee.

2 Class 10. A class 1 brewer license, which may only be
3 issued to a licensed brewer or licensed non-resident dealer,
4 shall allow the manufacture of up to 930,000 gallons of beer
5 per year provided that the class 1 brewer licensee does not
6 manufacture more than a combined 930,000 gallons of beer per
7 year and is not a member of or affiliated with, directly or
8 indirectly, a manufacturer that produces more than 930,000
9 gallons of beer per year or any other alcoholic liquor. A class
10 1 brewer licensee may make sales and deliveries to importing
11 distributors and distributors and to retail licensees in
12 accordance with the conditions set forth in paragraph (18) of
13 subsection (a) of Section 3-12 of this Act.

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

1 class 2 brewer licensee to the premises of a licensed class 2
2 brewer wholly owned and operated by the same licensee.

3 (a-1) A manufacturer which is licensed in this State to
4 make sales or deliveries of alcoholic liquor to licensed
5 distributors or importing distributors and which enlists
6 agents, representatives, or individuals acting on its behalf
7 who contact licensed retailers on a regular and continual basis
8 in this State must register those agents, representatives, or
9 persons acting on its behalf with the State Commission.

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

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

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

22 (d) A retailer's license shall allow the licensee to sell
23 and offer for sale at retail, only in the premises specified in
24 the license, alcoholic liquor for use or consumption, but not
25 for resale in any form. Nothing in Public Act 95-634 ~~this~~
26 ~~amendatory Act of the 95th General Assembly~~ shall deny, limit,

1 remove, or restrict the ability of a holder of a retailer's
2 license to transfer, deliver, or ship alcoholic liquor to the
3 purchaser for use or consumption subject to any applicable
4 local law or ordinance. Any retail license issued to a
5 manufacturer shall only permit the manufacturer to sell beer at
6 retail on the premises actually occupied by the manufacturer.
7 For the purpose of further describing the type of business
8 conducted at a retail licensed premises, a retailer's licensee
9 may be designated by the State Commission as (i) an on premise
10 consumption retailer, (ii) an off premise sale retailer, or
11 (iii) a combined on premise consumption and off premise sale
12 retailer.

13 Notwithstanding any other provision of this subsection
14 (d), a retail licensee may sell alcoholic liquors to a special
15 event retailer licensee for resale to the extent permitted
16 under subsection (e).

17 (e) A special event retailer's license (not-for-profit)
18 shall permit the licensee to purchase alcoholic liquors from an
19 Illinois licensed distributor (unless the licensee purchases
20 less than \$500 of alcoholic liquors for the special event, in
21 which case the licensee may purchase the alcoholic liquors from
22 a licensed retailer) and shall allow the licensee to sell and
23 offer for sale, at retail, alcoholic liquors for use or
24 consumption, but not for resale in any form and only at the
25 location and on the specific dates designated for the special
26 event in the license. An applicant for a special event retailer

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

20 (f) A railroad license shall permit the licensee to import
21 alcoholic liquors into this State from any point in the United
22 States outside this State and to store such alcoholic liquors
23 in this State; to make wholesale purchases of alcoholic liquors
24 directly from manufacturers, foreign importers, distributors
25 and importing distributors from within or outside this State;
26 and to store such alcoholic liquors in this State; provided

1 that the above powers may be exercised only in connection with
2 the importation, purchase or storage of alcoholic liquors to be
3 sold or dispensed on a club, buffet, lounge or dining car
4 operated on an electric, gas or steam railway in this State;
5 and provided further, that railroad licensees exercising the
6 above powers shall be subject to all provisions of Article VIII
7 of this Act as applied to importing distributors. A railroad
8 license shall also permit the licensee to sell or dispense
9 alcoholic liquors on any club, buffet, lounge or dining car
10 operated on an electric, gas or steam railway regularly
11 operated by a common carrier in this State, but shall not
12 permit the sale for resale of any alcoholic liquors to any
13 licensee within this State. A license shall be obtained for
14 each car in which such sales are made.

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

21 (h) A non-beverage user's license shall allow the licensee
22 to purchase alcoholic liquor from a licensed manufacturer or
23 importing distributor, without the imposition of any tax upon
24 the business of such licensed manufacturer or importing
25 distributor as to such alcoholic liquor to be used by such
26 licensee solely for the non-beverage purposes set forth in

1 subsection (a) of Section 8-1 of this Act, and such licenses
2 shall be divided and classified and shall permit the purchase,
3 possession and use of limited and stated quantities of
4 alcoholic liquor as follows:

- 5 Class 1, not to exceed 500 gallons
- 6 Class 2, not to exceed 1,000 gallons
- 7 Class 3, not to exceed 5,000 gallons
- 8 Class 4, not to exceed 10,000 gallons
- 9 Class 5, not to exceed 50,000 gallons

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

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

12 (j) An airplane license shall permit the licensee to import
13 alcoholic liquors into this State from any point in the United
14 States outside this State and to store such alcoholic liquors
15 in this State; to make wholesale purchases of alcoholic liquors
16 directly from manufacturers, foreign importers, distributors
17 and importing distributors from within or outside this State;
18 and to store such alcoholic liquors in this State; provided
19 that the above powers may be exercised only in connection with
20 the importation, purchase or storage of alcoholic liquors to be
21 sold or dispensed on an airplane; and provided further, that
22 airplane licensees exercising the above powers shall be subject
23 to all provisions of Article VIII of this Act as applied to
24 importing distributors. An airplane licensee shall also permit
25 the sale or dispensing of alcoholic liquors on any passenger
26 airplane regularly operated by a common carrier in this State,

1 but shall not permit the sale for resale of any alcoholic
2 liquors to any licensee within this State. A single airplane
3 license shall be required of an airline company if liquor
4 service is provided on board aircraft in this State. The annual
5 fee for such license shall be as determined in Section 5-3.

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

21 (l) (i) A broker's license shall be required of all persons
22 who solicit orders for, offer to sell or offer to supply
23 alcoholic liquor to retailers in the State of Illinois, or who
24 offer to retailers to ship or cause to be shipped or to make
25 contact with distillers, rectifiers, brewers or manufacturers
26 or any other party within or without the State of Illinois in

1 order that alcoholic liquors be shipped to a distributor,
2 importing distributor or foreign importer, whether such
3 solicitation or offer is consummated within or without the
4 State of Illinois.

5 No holder of a retailer's license issued by the Illinois
6 Liquor Control Commission shall purchase or receive any
7 alcoholic liquor, the order for which was solicited or offered
8 for sale to such retailer by a broker unless the broker is the
9 holder of a valid broker's license.

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

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

25 A broker's license under this subsection (1) shall not
26 entitle the holder to buy or sell any alcoholic liquors for his

1 own account or to take or deliver title to such alcoholic
2 liquors.

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

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

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

1 (n) A brew pub license shall allow the licensee to only (i)
2 manufacture up to 155,000 gallons of beer per year only on the
3 premises specified in the license, (ii) make sales of the beer
4 manufactured on the premises or, with the approval of the
5 Commission, beer manufactured on another brew pub licensed
6 premises that is wholly owned and operated by the same licensee
7 to importing distributors, distributors, and to non-licensees
8 for use and consumption, (iii) store the beer upon the
9 premises, (iv) sell and offer for sale at retail from the
10 licensed premises for off-premises consumption no more than
11 155,000 gallons per year so long as such sales are only made
12 in-person, (v) sell and offer for sale at retail for use and
13 consumption on the premises specified in the license any form
14 of alcoholic liquor purchased from a licensed distributor or
15 importing distributor, and (vi) with the prior approval of the
16 Commission, annually transfer no more than 155,000 gallons of
17 beer manufactured on the premises to a licensed brew pub wholly
18 owned and operated by the same licensee.

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

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

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

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

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

25 (p) An auction liquor license shall allow the licensee to
26 sell and offer for sale at auction wine and spirits for use or

1 consumption, or for resale by an Illinois liquor licensee in
2 accordance with provisions of this Act. An auction liquor
3 license will be issued to a person and it will permit the
4 auction liquor licensee to hold the auction anywhere in the
5 State. An auction liquor license must be obtained for each
6 auction at least 14 days in advance of the auction date.

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

21 (r) A winery shipper's license shall allow a person with a
22 first-class or second-class wine manufacturer's license, a
23 first-class or second-class wine-maker's license, or a limited
24 wine manufacturer's license or who is licensed to make wine
25 under the laws of another state to ship wine made by that
26 licensee directly to a resident of this State who is 21 years

1 of age or older for that resident's personal use and not for
2 resale. Prior to receiving a winery shipper's license, an
3 applicant for the license must provide the Commission with a
4 true copy of its current license in any state in which it is
5 licensed as a manufacturer of wine. An applicant for a winery
6 shipper's license must also complete an application form that
7 provides any other information the Commission deems necessary.
8 The application form shall include all addresses from which the
9 applicant for a winery shipper's license intends to ship wine,
10 including the name and address of any third party authorized to
11 ship wine on behalf of the manufacturer. The application form
12 shall include an acknowledgement consenting to the
13 jurisdiction of the Commission, the Illinois Department of
14 Revenue, and the courts of this State concerning the
15 enforcement of this Act and any related laws, rules, and
16 regulations, including authorizing the Department of Revenue
17 and the Commission to conduct audits for the purpose of
18 ensuring compliance with this amendatory Act, and an
19 acknowledgement that the wine manufacturer is in compliance
20 with Section 6-2 of this Act. Any third party authorized to
21 ship wine on behalf of a first-class or second-class wine
22 manufacturer's licensee, a first-class or second-class
23 wine-maker's licensee, a limited wine manufacturer's licensee,
24 or a person who is licensed to make wine under the laws of
25 another state shall also be disclosed by the winery shipper's
26 licensee, and a copy of the written appointment of the

1 third-party wine provider to the wine manufacturer shall be
2 filed with the State Commission as a supplement to the winery
3 shipper's license application or any renewal thereof. The
4 winery shipper's license holder shall affirm under penalty of
5 perjury, as part of the winery shipper's license application or
6 renewal, that he or she only ships wine, either directly or
7 indirectly through a third-party provider, from the licensee's
8 own production.

9 A third-party provider shipping wine on behalf of a winery
10 shipper's license holder is the agent of the winery shipper's
11 license holder and, as such, a winery shipper's license holder
12 is responsible for the acts and omissions of the third-party
13 provider acting on behalf of the license holder. A third-party
14 provider that engages in shipping wine into Illinois on behalf
15 of a winery shipper's license holder shall consent to the
16 jurisdiction of the State Commission and the State. Any
17 third-party holding such an appointment shall, by February 1 of
18 each calendar year, file with the State Commission a statement
19 detailing each shipment made to an Illinois resident. The State
20 Commission shall adopt rules as soon as practicable to
21 implement the requirements of this amendatory Act of the 99th
22 General Assembly and shall adopt rules prohibiting any such
23 third-party appointment of a third-party provider that has been
24 deemed by the State Commission to have violated the provisions
25 of this Act with regard to any winery shipper licensee.

26 A winery shipper licensee must pay to the Department of

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

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

25 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of
26 Section 3-12, the State Commission may receive, respond to, and

1 investigate any complaint and impose any of the remedies
2 specified in paragraph (1) of subsection (a) of Section 3-12.

3 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
4 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

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

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

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

1 an express company, common carrier, or contract carrier that
2 carries or transports alcoholic liquor for delivery within this
3 State deliver the alcoholic liquor to a residential address
4 without the acknowledgment of the consignee and without first
5 obtaining a signature at the time of the delivery by an adult
6 who is at least 21 years of age. A signature of a person on file
7 with the express company, common carrier, or contract carrier
8 does not constitute acknowledgement of the consignee. Any
9 express company, common carrier, or contract carrier that
10 transports alcoholic liquor for delivery within this State that
11 violates this item (ii) of this subsection (a) by delivering
12 alcoholic liquor without the acknowledgement of the consignee
13 and without first obtaining a signature at the time of the
14 delivery by an adult who is at least 21 years of age is guilty
15 of a Class A misdemeanor ~~business offense~~ for which the express
16 company, common carrier, or contract carrier that transports
17 alcoholic liquor within this State shall be held vicariously
18 liable for the actions of its representatives, agents, and
19 employees, and the sentence shall include, but shall not be
20 limited to, a fine of not less than \$5,000 for a first offense
21 and not less than \$10,000 for a second or subsequent offense
22 ~~shall be fined not more than \$1,001 for a first offense, not~~
23 ~~more than \$5,000 for a second offense, and not more than~~
24 ~~\$10,000 for a third or subsequent offense.~~ An express company,
25 common carrier, or contract carrier shall be held vicariously
26 liable for the actions of its representatives, agents, or

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

26 If a licensee or officer, associate, member,

1 representative, agent, or employee of the licensee, or a
2 representative, agent, or employee of an express company,
3 common carrier, or contract carrier that carries or transports
4 alcoholic liquor for delivery within this State, is prosecuted
5 under this paragraph of this subsection (a) for selling,
6 giving, or delivering alcoholic liquor to a person under the
7 age of 21 years, the person under 21 years of age who attempted
8 to buy or receive the alcoholic liquor may be prosecuted
9 pursuant to Section 6-20 of this Act, unless the person under
10 21 years of age was acting under the authority of a law
11 enforcement agency, the Illinois Liquor Control Commission, or
12 a local liquor control commissioner pursuant to a plan or
13 action to investigate, patrol, or conduct any similar
14 enforcement action.

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

24 Adequate written evidence of age and identity of the person
25 is a document issued by a federal, state, county, or municipal
26 government, or subdivision or agency thereof, including, but

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

25 However, no agent or employee of the licensee or employee
26 of an express company, common carrier, or contract carrier that

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

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

22 Any person under the age of 21 years who presents or offers
23 to any licensee, his agent or employee, any written, printed or
24 photostatic evidence of age and identity that is false,
25 fraudulent, or not actually his or her own for the purpose of
26 ordering, purchasing, attempting to purchase or otherwise

1 procuring or attempting to procure, the serving of any
2 alcoholic beverage, who falsely states in writing that he or
3 she is at least 21 years of age when receiving alcoholic liquor
4 from a representative, agent, or employee of an express
5 company, common carrier, or contract carrier, or who has in his
6 or her possession any false or fraudulent written, printed, or
7 photostatic evidence of age and identity, is guilty of a Class
8 A misdemeanor and the person's sentence shall include, but
9 shall not be limited to, the following: a fine of not less than
10 \$500 and at least 25 hours of community service. If possible,
11 any community service shall be performed for an alcohol abuse
12 prevention program.

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

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

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

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

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

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

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

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

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

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

1 requested before any other person makes a formal complaint to
2 the police department or other law enforcement agency about the
3 activity.

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

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

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

20 (235 ILCS 5/6-29.1)

21 Sec. 6-29.1. Direct shipments of alcoholic liquor.

22 (a) The General Assembly makes the following findings:

23 (1) The General Assembly of Illinois, having reviewed
24 this Act in light of the United States Supreme Court's 2005
25 decision in *Granholm v. Heald*, has determined to conform

1 that law to the constitutional principles enunciated by the
2 Court in a manner that best preserves the temperance,
3 revenue, and orderly distribution values of this Act.

4 (2) Minimizing automobile accidents and fatalities,
5 domestic violence, health problems, loss of productivity,
6 unemployment, and other social problems associated with
7 dependency and improvident use of alcoholic beverages
8 remains the policy of Illinois.

9 (3) To the maximum extent constitutionally feasible,
10 Illinois desires to collect sufficient revenue from excise
11 and use taxes on alcoholic beverages for the purpose of
12 responding to such social problems.

13 (4) Combined with family education and individual
14 discipline, retail validation of age, and assessment of the
15 capacity of the consumer remains the best pre-sale social
16 protection against the problems associated with the abuse
17 of alcoholic liquor.

18 (5) Therefore, the paramount purpose of this
19 amendatory Act is to continue to carefully limit direct
20 shipment sales of wine produced by makers of wine and to
21 continue to prohibit such direct shipment sales for spirits
22 and beer.

23 For these reasons, the Commission shall establish a system
24 to notify the out-of-state trade of this prohibition and to
25 detect violations. The Commission shall request the Attorney
26 General to extradite any offender.

1 (b) Pursuant to the Twenty-First Amendment of the United
2 States Constitution allowing states to regulate the
3 distribution and sale of alcoholic liquor and pursuant to the
4 federal Webb-Kenyon Act declaring that alcoholic liquor
5 shipped in interstate commerce must comply with state laws, the
6 General Assembly hereby finds and declares that selling
7 alcoholic liquor from a point outside this State through
8 various direct marketing means, such as catalogs, newspapers,
9 mailers, and the Internet, directly to residents of this State
10 poses a serious threat to the State's efforts to prevent youths
11 from accessing alcoholic liquor; to State revenue collections;
12 and to the economy of this State.

13 Any person manufacturing, distributing, or selling
14 alcoholic liquor who knowingly ships or transports or causes
15 the shipping or transportation of any alcoholic liquor from a
16 point outside this State to a person in this State who does not
17 hold a manufacturer's, distributor's, importing distributor's,
18 or non-resident dealer's license issued by the Liquor Control
19 Commission, other than a shipment of sacramental wine to a bona
20 fide religious organization, a shipment authorized by Section
21 6-29, subparagraph (17) of Section 3-12, or any other shipment
22 authorized by this Act, is in violation of this Act.

23 The Commission, upon determining, after investigation,
24 that a person has violated this Section, shall give notice to
25 the person by certified mail to cease and desist all shipments
26 of alcoholic liquor into this State and to withdraw from this

1 State within 5 working days after receipt of the notice all
2 shipments of alcoholic liquor then in transit. A person who
3 violates the cease and desist notice is subject to the
4 applicable penalties in subsection (a) of Section 10-1 of this
5 Act.

6 ~~Whenever the Commission has reason to believe that a person~~
7 ~~has failed to comply with the Commission notice under this~~
8 ~~Section, it shall notify the Department of Revenue and file a~~
9 ~~complaint with the State's Attorney of the county where the~~
10 ~~alcoholic liquor was delivered or with appropriate law~~
11 ~~enforcement officials.~~

12 ~~Failure to comply with the notice issued by the Commission~~
13 ~~under this Section constitutes a business offense for which the~~
14 ~~person shall be fined not more than \$1,000 for a first offense,~~
15 ~~not more than \$5,000 for a second offense, and not more than~~
16 ~~\$10,000 for a third or subsequent offense. Each shipment of~~
17 ~~alcoholic liquor delivered in violation of the cease and desist~~
18 ~~notice shall constitute a separate offense.~~

19 (Source: P.A. 95-634, eff. 6-1-08.)

20 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

21 Sec. 10-1. Violations; penalties. Whereas a substantial
22 threat to the sound and careful control, regulation, and
23 taxation of the manufacture, sale, and distribution of
24 alcoholic liquors exists by virtue of individuals who
25 manufacture, import, distribute, or sell alcoholic liquors

1 within the State without having first obtained a valid license
2 to do so, and whereas such threat is especially serious along
3 the borders of this State, and whereas such threat requires
4 immediate correction by this Act, by active investigation and
5 prosecution by law enforcement officials and prosecutors, and
6 by prompt and strict enforcement through the courts of this
7 State to punish violators and to deter such conduct in the
8 future:

9 (a) Any person who manufactures, imports for distribution
10 or use, transports from outside this State into this State, or
11 distributes or sells 108 liters (28.53 gallons) or more of
12 wine, 45 liters (11.88 gallons) or more of distilled spirits,
13 or 118 liters (31.17 gallons) or more of beer ~~alcoholic liquor~~
14 at any place within the State without having first obtained a
15 valid license to do so under the provisions of this Act shall
16 be guilty of a ~~business offense and fined not more than \$1,000~~
17 ~~for the first such offense and shall be guilty of a Class 4~~
18 ~~felony for each subsequent offense.~~

19 Any person who manufactures, imports for distribution,
20 transports from outside this State into this State for sale or
21 resale in this State, or distributes or sells less than 108
22 liters (28.53 gallons) of wine, less than 45 liters (11.88
23 gallons) of distilled spirits, or less than 118 liters (31.17
24 gallons) of beer at any place within the State without having
25 first obtained a valid license to do so under the provisions of
26 this Act shall be guilty of a business offense and fined not

1 more than \$1,000 for the first such offense and shall be guilty
2 of a Class 4 felony for each subsequent offense. This
3 subsection does not apply to a motor carrier or freight
4 forwarder, as defined in Section 13102 of Title 49 of the
5 United States Code, or an air carrier, as defined in Section
6 40102 of Title 49 of the United States Code.

7 Any person who both has been issued an initial cease and
8 desist notice from the State Commission and for compensation
9 ships alcoholic liquor into this State without a license
10 authorized by Section 5-1 issued by the State Commission or in
11 violation of that license is guilty of a Class 4 felony for
12 each offense.

13 (b) (1) Any retailer, licensed in this State, who knowingly
14 causes to furnish, give, sell, or otherwise being within the
15 State, any alcoholic liquor destined to be used, distributed,
16 consumed or sold in another state, unless such alcoholic liquor
17 was received in this State by a duly licensed distributor, or
18 importing distributors shall have his license suspended for 7
19 days for the first offense and for the second offense, shall
20 have his license revoked by the Commission.

21 (2) In the event the Commission receives a certified copy
22 of a final order from a foreign jurisdiction that an Illinois
23 retail licensee has been found to have violated that foreign
24 jurisdiction's laws, rules, or regulations concerning the
25 importation of alcoholic liquor into that foreign
26 jurisdiction, the violation may be grounds for the Commission

1 to revoke, suspend, or refuse to issue or renew a license, to
2 impose a fine, or to take any additional action provided by
3 this Act with respect to the Illinois retail license or
4 licensee. Any such action on the part of the Commission shall
5 be in accordance with this Act and implementing rules.

6 For the purposes of paragraph (2): (i) "foreign
7 jurisdiction" means a state, territory, or possession of the
8 United States, the District of Columbia, or the Commonwealth of
9 Puerto Rico, and (ii) "final order" means an order or judgment
10 of a court or administrative body that determines the rights of
11 the parties respecting the subject matter of the proceeding,
12 that remains in full force and effect, and from which no appeal
13 can be taken.

14 (c) Any person who shall make any false statement or
15 otherwise violates any of the provisions of this Act in
16 obtaining any license hereunder, or who having obtained a
17 license hereunder shall violate any of the provisions of this
18 Act with respect to the manufacture, possession, distribution
19 or sale of alcoholic liquor, or with respect to the maintenance
20 of the licensed premises, or shall violate any other provision
21 of this Act, shall for a first offense be guilty of a petty
22 offense and fined not more than \$500, and for a second or
23 subsequent offense shall be guilty of a Class B misdemeanor.

24 (c-5) Any owner of an establishment that serves alcohol on
25 its premises, if more than 50% of the establishment's gross
26 receipts within the prior 3 months is from the sale of alcohol,

1 who knowingly fails to prohibit concealed firearms on its
2 premises or who knowingly makes a false statement or record to
3 avoid the prohibition of concealed firearms on its premises
4 under the Firearm Concealed Carry Act shall be guilty of a
5 business offense with a fine up to \$5,000.

6 (d) Each day any person engages in business as a
7 manufacturer, foreign importer, importing distributor,
8 distributor or retailer in violation of the provisions of this
9 Act shall constitute a separate offense.

10 (e) Any person, under the age of 21 years who, for the
11 purpose of buying, accepting or receiving alcoholic liquor from
12 a licensee, represents that he is 21 years of age or over shall
13 be guilty of a Class A misdemeanor.

14 (f) In addition to the penalties herein provided, any
15 person licensed as a wine-maker in either class who
16 manufactures more wine than authorized by his license shall be
17 guilty of a business offense and shall be fined \$1 for each
18 gallon so manufactured.

19 (g) A person shall be exempt from prosecution for a
20 violation of this Act if he is a peace officer in the
21 enforcement of the criminal laws and such activity is approved
22 in writing by one of the following:

23 (1) In all counties, the respective State's Attorney;

24 (2) The Director of State Police under Section 2605-10,
25 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
26 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,

1 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
2 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
3 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
4 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
5 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
6 Department of State Police Law (20 ILCS 2605/2605-10,
7 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
8 2605/2605-110, 2605/2605-115, 2605/2605-120,
9 2605/2605-130, 2605/2605-140, 2605/2605-190,
10 2605/2605-200, 2605/2605-205, 2605/2605-210,
11 2605/2605-215, 2605/2605-250, 2605/2605-275,
12 2605/2605-300, 2605/2605-305, 2605/2605-315,
13 2605/2605-325, 2605/2605-335, 2605/2605-340,
14 2605/2605-350, 2605/2605-355, 2605/2605-360,
15 2605/2605-365, 2605/2605-375, 2605/2605-390,
16 2605/2605-400, 2605/2605-405, 2605/2605-420,
17 2605/2605-430, 2605/2605-435, 2605/2605-500,
18 2605/2605-525, or 2605/2605-550); or

19 (3) In cities over 1,000,000, the Superintendent of
20 Police.

21 (Source: P.A. 98-63, eff. 7-9-13.)

22 Section 99. Effective date. This Act takes effect January
23 1, 2017.