

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, 5-3, 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, except for a  
11 common carrier, authorized to ship wine on behalf of the  
12 manufacturer. The application form shall include an  
13 acknowledgement consenting to the jurisdiction of the  
14 Commission, the Illinois Department of Revenue, and the courts  
15 of this State concerning the enforcement of this Act and any  
16 related laws, rules, and regulations, including authorizing  
17 the Department of Revenue and the Commission to conduct audits  
18 for the purpose of ensuring compliance with this amendatory  
19 Act, and an acknowledgement that the wine manufacturer is in  
20 compliance with Section 6-2 of this Act. Any third party,  
21 except for a common carrier, authorized to ship wine on behalf  
22 of a first-class or second-class wine manufacturer's licensee,  
23 a first-class or second-class wine-maker's licensee, a limited  
24 wine manufacturer's licensee, or a person who is licensed to  
25 make wine under the laws of another state shall also be  
26 disclosed by the winery shipper's licensee, and a copy of the

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

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

1 been deemed by the State Commission to have violated the  
2 provisions of this Act with regard to any winery shipper  
3 licensee.

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

23 A winery shipper licensee must collect, maintain, and  
24 submit to the Commission on a semi-annual basis the total  
25 number of cases per resident of wine shipped to residents of  
26 this State. A winery shipper licensed under this subsection (r)

1 must comply with the requirements of Section 6-29 of this  
2 ~~amendatory~~ Act.

3 Pursuant to paragraph (5.1) or (5.3) of subsection (a) of  
4 Section 3-12, the State Commission may receive, respond to, and  
5 investigate any complaint and impose any of the remedies  
6 specified in paragraph (1) of subsection (a) of Section 3-12.  
7 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;  
8 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

9 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

15 The fee for licenses issued by the State Commission shall  
16 be as follows:

17 For a manufacturer's license:

	<u>Online</u>	<u>Initial</u>
	<u>renewal</u>	<u>license</u>
		<u>or</u>
		<u>non-online</u>
		<u>renewal</u>
24 Class 1. Distiller .....	<u>\$4,000</u>	<u>\$5,000</u> <del>\$3,600</del>
25 Class 2. Rectifier .....	<u>4,000</u>	<u>5,000</u> <del>3,600</del>

1	Class 3. Brewer .....	<u>1,200</u>	<u>1,500</u> <del>900</del>
2	Class 4. First-class Wine		
3	Manufacturer .....	<u>750</u>	<u>900</u> <del>600</del>
4	Class 5. Second-class		
5	Wine Manufacturer.....	<u>1,500</u>	<u>1,750</u> <del>1,200</del>
6	Class 6. First-class wine-maker ....	<u>750</u>	<u>900</u> <del>600</del>
7	Class 7. Second-class wine-maker ..	<u>1,500</u>	<u>1,750</u> <del>1,200</del>
8	Class 8. Limited Wine Manufacturer	<u>250</u>	<u>350</u> <del>120</del>
9	Class 9. Craft Distiller .....	<u>2,000</u>	<u>2,500</u> <del>1,800</del>
10	Class 10. Class 1 Brewer .....	<u>50</u>	<u>75</u> <del>25</del>
11	Class 11. Class 2 Brewer .....	<u>75</u>	<u>100</u> <del>25</del>
12	For a Brew Pub License .....	<u>1,200</u>	<u>1,500</u> <del>1,050</del>
13	For a caterer retailer's license ..	<u>350</u>	<u>500</u> <del>200</del>
14	For a foreign importer's license ..	<u>25</u>	25
15	For an importing distributor's		
16	license.....	<u>25</u>	25
17	<u>For a distributor's license</u>		
18	<u>(11,250,000 gallons</u>		
19	<u>or over) .....</u>	<u>1,450</u>	<u>2,200</u>
20	<u>For a distributor's license</u>		
21	<u>(over 4,500,000 gallons,</u>		
22	<u>but under 11,250,000 gallons) ..</u>	<u>950</u>	<u>1,450</u>
23	<u>For a distributor's license</u>		
24	<u>(4,500,000 gallons or under) ..</u>	<u>300</u>	<u>450</u>
25	<del>For a distributor's license .....</del>		<del>270</del>
26	For a non-resident dealer's license		

1	(500,000 gallons or over) .....	<u>1,200</u>	<u>1,500</u> <del>270</del>
2	For a non-resident dealer's license		
3	(under 500,000 gallons) .....	<u>250</u>	<u>350</u> <del>90</del>
4	For a wine-maker's premises license	<u>250</u>	<u>500</u> <del>100</del>
5	For a winery shipper's license		
6	(under 250,000 gallons) .....	<u>200</u>	<u>350</u> <del>150</del>
7	For a winery shipper's license		
8	(250,000 or over, but		
9	under 500,000 gallons) .....	<u>750</u>	<u>1,000</u> <del>500</del>
10	For a winery shipper's license		
11	(500,000 gallons or over) .....	<u>1,200</u>	<u>1,500</u> <del>1,000</del>
12	For a wine-maker's premises license,		
13	second location .....	<u>500</u>	<u>1,000</u> <del>350</del>
14	For a wine-maker's premises license,		
15	third location .....	<u>500</u>	<u>1,000</u> <del>350</del>
16	For a retailer's license .....	<u>600</u>	<u>750</u> <del>500</del>
17	For a special event retailer's		
18	license, (not-for-profit) .....	<u>25</u>	25
19	For a special use permit license,		
20	one day only .....	<u>100</u>	<u>150</u> <del>50</del>
21	2 days or more .....	<u>150</u>	<u>250</u> <del>100</del>
22	For a railroad license .....	<u>100</u>	<u>150</u> <del>60</del>
23	For a boat license .....	<u>500</u>	<u>1,000</u> <del>180</del>
24	For an airplane license, times the		
25	licensee's maximum number of		
26	aircraft in flight, serving		



1	liquor over the State at any		
2	given time, which either		
3	originate, terminate, or make		
4	an intermediate stop in		
5	the State.....	<u>100</u>	<u>150</u> <del>60</del>
6	For a non-beverage user's license:		
7	Class 1.....	<u>24</u>	24
8	Class 2.....	<u>60</u>	60
9	Class 3.....	<u>120</u>	120
10	Class 4.....	<u>240</u>	240
11	Class 5.....	<u>600</u>	600
12	For a broker's license .....	<u>750</u>	<u>1,000</u> <del>600</del>
13	For an auction liquor license .....	<u>100</u>	<u>150</u> <del>50</del>
14	For a homebrewer special		
15	event permit .....	<u>25</u>	25
16	<u>For a BASSET trainer license .....</u>	<u>300</u>	<u>350</u>
17	<u>For a tasting representative</u>		
18	<u>license.....</u>	<u>200</u>	<u>300</u>

19 Fees collected under this Section shall be paid into the  
 20 Dram Shop Fund. On and after July 1, 2003 and until June 30,  
 21 2016, of the funds received for a retailer's license, in  
 22 addition to the first \$175, an additional \$75 shall be paid  
 23 into the Dram Shop Fund, and \$250 shall be paid into the  
 24 General Revenue Fund. On and after June 30, 2016, one-half of  
 25 the funds received for a retailer's license shall be paid into  
 26 the Dram Shop Fund and one-half of the funds received for a

1 retailer's license shall be paid into the General Revenue Fund.

2 Beginning June 30, 1990 and on June 30 of each subsequent year  
3 through June 29, 2003, any balance over \$5,000,000 remaining in  
4 the Dram Shop Fund shall be credited to State liquor licensees  
5 and applied against their fees for State liquor licenses for  
6 the following year. The amount credited to each licensee shall  
7 be a proportion of the balance in the Dram Fund that is the  
8 same as the proportion of the license fee paid by the licensee  
9 under this Section for the period in which the balance was  
10 accumulated to the aggregate fees paid by all licensees during  
11 that period.

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

14 (a) Hospitals, sanitariums, or clinics when their use  
15 of alcoholic liquor is exclusively medicinal, mechanical  
16 or scientific.

17 (b) Universities, colleges of learning or schools when  
18 their use of alcoholic liquor is exclusively medicinal,  
19 mechanical or scientific.

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

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

23 (235 ILCS 5/6-29.1)

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

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

1           (1) The General Assembly of Illinois, having reviewed  
2 this Act in light of the United States Supreme Court's 2005  
3 decision in *Granholm v. Heald*, has determined to conform  
4 that law to the constitutional principles enunciated by the  
5 Court in a manner that best preserves the temperance,  
6 revenue, and orderly distribution values of this Act.

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

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

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

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

26 For these reasons, the Commission shall establish a system

1 to notify the out-of-state trade of this prohibition and to  
2 detect violations. The Commission shall request the Attorney  
3 General to extradite any offender.

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

16 Any person manufacturing, distributing, or selling  
17 alcoholic liquor who knowingly ships or transports or causes  
18 the shipping or transportation of any alcoholic liquor from a  
19 point outside this State to a person in this State who does not  
20 hold a manufacturer's, distributor's, importing distributor's,  
21 or non-resident dealer's license issued by the Liquor Control  
22 Commission, other than a shipment of sacramental wine to a bona  
23 fide religious organization, a shipment authorized by Section  
24 6-29, subparagraph (17) of Section 3-12, or any other shipment  
25 authorized by this Act, is in violation of this Act.

26 The Commission, upon determining, after investigation,

1 that a person has violated this Section, shall give notice to  
2 the person by certified mail to cease and desist all shipments  
3 of alcoholic liquor into this State and to withdraw from this  
4 State within 5 working days after receipt of the notice all  
5 shipments of alcoholic liquor then in transit. A person who  
6 violates the cease and desist notice is subject to the  
7 applicable penalties in subsection (a) of Section 10-1 of this  
8 Act.

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

15 ~~Failure to comply with the notice issued by the Commission~~  
16 ~~under this Section constitutes a business offense for which the~~  
17 ~~person shall be fined not more than \$1,000 for a first offense,~~  
18 ~~not more than \$5,000 for a second offense, and not more than~~  
19 ~~\$10,000 for a third or subsequent offense. Each shipment of~~  
20 ~~alcoholic liquor delivered in violation of the cease and desist~~  
21 ~~notice shall constitute a separate offense.~~

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

23 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

24 Sec. 10-1. Violations; penalties. Whereas a substantial  
25 threat to the sound and careful control, regulation, and

1 taxation of the manufacture, sale, and distribution of  
2 alcoholic liquors exists by virtue of individuals who  
3 manufacture, import, distribute, or sell alcoholic liquors  
4 within the State without having first obtained a valid license  
5 to do so, and whereas such threat is especially serious along  
6 the borders of this State, and whereas such threat requires  
7 immediate correction by this Act, by active investigation and  
8 prosecution by law enforcement officials and prosecutors, and  
9 by prompt and strict enforcement through the courts of this  
10 State to punish violators and to deter such conduct in the  
11 future:

12 (a) Any person who manufactures, imports for distribution  
13 or use, transports from outside this State into this State, or  
14 distributes or sells 108 liters (28.53 gallons) or more of  
15 wine, 45 liters (11.88 gallons) or more of distilled spirits,  
16 or 118 liters (31.17 gallons) or more of beer ~~alcoholic liquor~~  
17 at any place within the State without having first obtained a  
18 valid license to do so under the provisions of this Act shall  
19 be guilty of a ~~business offense and fined not more than \$1,000~~  
20 ~~for the first such offense and shall be guilty of a Class 4~~  
21 ~~felony for each subsequent offense.~~ However, any person who was  
22 duly licensed under this Act and whose license expired within  
23 30 days prior to a violation shall be guilty of a business  
24 offense and fined not more than \$1,000 for the first such  
25 offense and shall be guilty of a Class 4 felony for each  
26 subsequent offense.

1       Any person who manufactures, imports for distribution,  
2 transports from outside this State into this State for sale or  
3 resale in this State, or distributes or sells less than 108  
4 liters (28.53 gallons) of wine, less than 45 liters (11.88  
5 gallons) of distilled spirits, or less than 118 liters (31.17  
6 gallons) of beer at any place within the State without having  
7 first obtained a valid license to do so under the provisions of  
8 this Act shall be guilty of a business offense and fined not  
9 more than \$1,000 for the first such offense and shall be guilty  
10 of a Class 4 felony for each subsequent offense. This  
11 subsection does not apply to a motor carrier or freight  
12 forwarder, as defined in Section 13102 of Title 49 of the  
13 United States Code, an air carrier, as defined in Section 40102  
14 of Title 49 of the United States Code, or a rail carrier, as  
15 defined in Section 10102 of Title 49 of the United States Code.

16       Any person who both has been issued an initial cease and  
17 desist notice from the State Commission and for compensation  
18 ships alcoholic liquor into this State without a license  
19 authorized by Section 5-1 issued by the State Commission or in  
20 violation of that license is guilty of a Class 4 felony for  
21 each offense.

22       (b) (1) Any retailer, licensed in this State, who knowingly  
23 causes to furnish, give, sell, or otherwise being within the  
24 State, any alcoholic liquor destined to be used, distributed,  
25 consumed or sold in another state, unless such alcoholic liquor  
26 was received in this State by a duly licensed distributor, or

1 importing distributors shall have his license suspended for 7  
2 days for the first offense and for the second offense, shall  
3 have his license revoked by the Commission.

4 (2) In the event the Commission receives a certified copy  
5 of a final order from a foreign jurisdiction that an Illinois  
6 retail licensee has been found to have violated that foreign  
7 jurisdiction's laws, rules, or regulations concerning the  
8 importation of alcoholic liquor into that foreign  
9 jurisdiction, the violation may be grounds for the Commission  
10 to revoke, suspend, or refuse to issue or renew a license, to  
11 impose a fine, or to take any additional action provided by  
12 this Act with respect to the Illinois retail license or  
13 licensee. Any such action on the part of the Commission shall  
14 be in accordance with this Act and implementing rules.

15 For the purposes of paragraph (2): (i) "foreign  
16 jurisdiction" means a state, territory, or possession of the  
17 United States, the District of Columbia, or the Commonwealth of  
18 Puerto Rico, and (ii) "final order" means an order or judgment  
19 of a court or administrative body that determines the rights of  
20 the parties respecting the subject matter of the proceeding,  
21 that remains in full force and effect, and from which no appeal  
22 can be taken.

23 (c) Any person who shall make any false statement or  
24 otherwise violates any of the provisions of this Act in  
25 obtaining any license hereunder, or who having obtained a  
26 license hereunder shall violate any of the provisions of this



1 Act with respect to the manufacture, possession, distribution  
2 or sale of alcoholic liquor, or with respect to the maintenance  
3 of the licensed premises, or shall violate any other provision  
4 of this Act, shall for a first offense be guilty of a petty  
5 offense and fined not more than \$500, and for a second or  
6 subsequent offense shall be guilty of a Class B misdemeanor.

7 (c-5) Any owner of an establishment that serves alcohol on  
8 its premises, if more than 50% of the establishment's gross  
9 receipts within the prior 3 months is from the sale of alcohol,  
10 who knowingly fails to prohibit concealed firearms on its  
11 premises or who knowingly makes a false statement or record to  
12 avoid the prohibition of concealed firearms on its premises  
13 under the Firearm Concealed Carry Act shall be guilty of a  
14 business offense with a fine up to \$5,000.

15 (d) Each day any person engages in business as a  
16 manufacturer, foreign importer, importing distributor,  
17 distributor or retailer in violation of the provisions of this  
18 Act shall constitute a separate offense.

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

23 (f) In addition to the penalties herein provided, any  
24 person licensed as a wine-maker in either class who  
25 manufactures more wine than authorized by his license shall be  
26 guilty of a business offense and shall be fined \$1 for each

1 gallon so manufactured.

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

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

7 (2) The Director of State Police under Section 2605-10,  
8 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,  
9 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,  
10 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,  
11 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,  
12 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,  
13 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,  
14 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the  
15 Department of State Police Law (20 ILCS 2605/2605-10,  
16 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,  
17 2605/2605-110, 2605/2605-115, 2605/2605-120,  
18 2605/2605-130, 2605/2605-140, 2605/2605-190,  
19 2605/2605-200, 2605/2605-205, 2605/2605-210,  
20 2605/2605-215, 2605/2605-250, 2605/2605-275,  
21 2605/2605-300, 2605/2605-305, 2605/2605-315,  
22 2605/2605-325, 2605/2605-335, 2605/2605-340,  
23 2605/2605-350, 2605/2605-355, 2605/2605-360,  
24 2605/2605-365, 2605/2605-375, 2605/2605-390,  
25 2605/2605-400, 2605/2605-405, 2605/2605-420,  
26 2605/2605-430, 2605/2605-435, 2605/2605-500,

1           2605/2605-525, or 2605/2605-550); or

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

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

5           Section 99. Effective date. This Act takes effect January  
6           1, 2017, except that the changes to Section 5-3 of the Liquor  
7           Control Act of 1934 take effect upon becoming law.