



Rep. William Davis

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1 AMENDMENT TO HOUSE BILL 4639

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4639 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Sections 1-3.33 and 5-1 as follows:

6 (235 ILCS 5/1-3.33)

7 Sec. 1-3.33. "Brew Pub" means a person who manufactures no  
8 more than 155,000 gallons of beer per year only at a designated  
9 licensed premises to make sales to importing distributors, to  
10 distributors, to retail licensees (but not more than 6,200  
11 gallons of beer per year to retail licensees within a 5-mile  
12 radius of the licensed premises in a city with a population of  
13 more than 1,000,000 or within a 10-mile radius of the licensed  
14 premises in a city with a population of 1,000,000 or less), and  
15 to non-licensees for use and consumption on the premises or off  
16 the premises ~~only~~, who stores beer at the designated premises,

1 and who is allowed to sell at retail from the licensed  
2 premises, provided that a brew pub licensee shall not sell for  
3 on-premises consumption or off-premises consumption more than  
4 155,000 gallons per year.

5 (Source: P.A. 99-448, eff. 8-24-15.)

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 Craft Distiller, Class 11. Class 2 Craft Distiller,  
15 Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,

16 (b) Distributor's license,

17 (c) Importing Distributor's license,

18 (d) Retailer's license,

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

20 (f) Railroad license,

21 (g) Boat license,

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

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

24 (j) Airplane license,

25 (k) Foreign importer's license,

- 1 (l) Broker's license,
- 2 (m) Non-resident dealer's license,
- 3 (n) Brew Pub license,
- 4 (o) Auction liquor license,
- 5 (p) Caterer retailer license,
- 6 (q) Special use permit license,
- 7 (r) Winery shipper's license,
- 8 (s) Craft distiller tasting permit,
- 9 (t) Brewer warehouse permit,
- 10 (u) Distilling pub license,
- 11 (v) Craft distiller warehouse permit.

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

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

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

24 Class 2. A Rectifier, who is not a distiller, as defined  
25 herein, may make sales and deliveries of alcoholic liquor to  
26 rectifiers, importing distributors, distributors, retailers

1 and non-beverage users and to no other licensees.

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

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

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

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

23 Class 7. A second-class wine-maker's license shall allow  
24 the manufacture of between 50,000 and 150,000 gallons of wine  
25 per year, and the storage and sale of such wine to distributors  
26 in this State and to persons without the State, as may be

1 permitted by law. A person who, prior to June 1, 2008 (the  
2 effective date of Public Act 95-634), is a holder of a  
3 second-class wine-maker's license and annually produces more  
4 than 25,000 gallons of its own wine and who distributes its  
5 wine to licensed retailers shall cease this practice on or  
6 before July 1, 2008 in compliance with Public Act 95-634.

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, which may only be held  
12 by a class 1 craft distiller licensee or class 2 craft  
13 distiller licensee but not held by both a class 1 craft  
14 distiller licensee and a class 2 craft distiller licensee,  
15 shall grant all rights conveyed by either: (i) a class 1 craft  
16 distiller license if the craft distiller holds a class 1 craft  
17 distiller license; or (ii) a class 2 craft distiller licensee  
18 if the craft distiller holds a class 2 craft distiller license.

19 Class 10. A class 1 craft distiller license, which may only  
20 be issued to a licensed craft distiller or licensed  
21 non-resident dealer, shall allow the manufacture of up to  
22 50,000 gallons of spirits per year provided that the class 1  
23 craft distiller licensee does not manufacture more than a  
24 combined 50,000 gallons of spirits per year and is not a member  
25 of or affiliated with, directly or indirectly, a manufacturer  
26 that produces more than 50,000 gallons of spirits per year or

1 any other alcoholic liquor. A class 1 craft distiller licensee  
2 may make sales and deliveries to importing distributors and  
3 distributors and to retail licensees in accordance with the  
4 conditions set forth in paragraph (19) of subsection (a) of  
5 Section 3-12 of this Act. However, the aggregate amount of  
6 spirits sold to non-licensees and sold or delivered to retail  
7 licensees may not exceed 5,000 gallons per year.

8 A class 1 craft distiller licensee may sell up to 5,000  
9 gallons of such spirits to non-licensees to the extent  
10 permitted by any exemption approved by the State Commission  
11 pursuant to Section 6-4 of this Act. A class 1 craft distiller  
12 license holder may store such spirits at a non-contiguous  
13 licensed location, but at no time shall a class 1 craft  
14 distiller license holder directly or indirectly produce in the  
15 aggregate more than 50,000 gallons of spirits per year.

16 A class 1 craft distiller licensee may hold more than one  
17 class 1 craft distiller's license. However, a class 1 craft  
18 distiller that holds more than one class 1 craft distiller  
19 license shall not manufacture, in the aggregate, more than  
20 50,000 gallons of spirits by distillation per year and shall  
21 not sell, in the aggregate, more than 5,000 gallons of such  
22 spirits to non-licensees in accordance with an exemption  
23 approved by the State Commission pursuant to Section 6-4 of  
24 this Act.

25 Class 11. A class 2 craft distiller license, which may only  
26 be issued to a licensed craft distiller or licensed

1 non-resident dealer, shall allow the manufacture of up to  
2 100,000 gallons of spirits per year provided that the class 2  
3 craft distiller licensee does not manufacture more than a  
4 combined 100,000 gallons of spirits per year and is not a  
5 member of or affiliated with, directly or indirectly, a  
6 manufacturer that produces more than 100,000 gallons of spirits  
7 per year or any other alcoholic liquor. A class 2 craft  
8 distiller licensee may make sales and deliveries to importing  
9 distributors and distributors, but shall not make sales or  
10 deliveries to any other licensee. If the State Commission  
11 provides prior approval, a class 2 craft distiller licensee may  
12 annually transfer up to 100,000 gallons of spirits manufactured  
13 by that class 2 craft distiller licensee to the premises of a  
14 licensed class 2 craft distiller wholly owned and operated by  
15 the same licensee. A class 2 craft distiller may transfer  
16 spirits to a distilling pub wholly owned and operated by the  
17 class 2 craft distiller subject to the following limitations  
18 and restrictions: (i) the transfer shall not annually exceed  
19 more than 5,000 gallons; (ii) the annual amount transferred  
20 shall reduce the distilling pub's annual permitted production  
21 limit; (iii) all spirits transferred shall be subject to  
22 Article VIII of this Act; (iv) a written record shall be  
23 maintained by the distiller and distilling pub specifying the  
24 amount, date of delivery, and receipt of the product by the  
25 distilling pub; and (v) the distilling pub shall be located no  
26 farther than 80 miles from the class 2 craft distiller's

1 licensed location.

2 A class 2 craft distiller shall, prior to transferring  
3 spirits to a distilling pub wholly owned by the class 2 craft  
4 distiller, furnish a written notice to the State Commission of  
5 intent to transfer spirits setting forth the name and address  
6 of the distilling pub and shall annually submit to the State  
7 Commission a verified report identifying the total gallons of  
8 spirits transferred to the distilling pub wholly owned by the  
9 class 2 craft distiller.

10 A class 2 craft distiller license holder may store such  
11 spirits at a non-contiguous licensed location, but at no time  
12 shall a class 2 craft distiller license holder directly or  
13 indirectly produce in the aggregate more than 100,000 gallons  
14 of spirits per year.

15 Class 12. A class 1 brewer license, which may only be  
16 issued to a licensed brewer or licensed non-resident dealer,  
17 shall allow the manufacture of up to 930,000 gallons of beer  
18 per year provided that the class 1 brewer licensee does not  
19 manufacture more than a combined 930,000 gallons of beer per  
20 year and is not a member of or affiliated with, directly or  
21 indirectly, a manufacturer that produces more than 930,000  
22 gallons of beer per year or any other alcoholic liquor. A class  
23 1 brewer licensee may make sales and deliveries to importing  
24 distributors and distributors and to retail licensees in  
25 accordance with the conditions set forth in paragraph (18) of  
26 subsection (a) of Section 3-12 of this Act. If the State



1 Commission provides prior approval, a class 1 brewer may  
2 annually transfer up to 930,000 gallons of beer manufactured by  
3 that class 1 brewer to the premises of a licensed class 1  
4 brewer wholly owned and operated by the same licensee.

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

20 A class 2 brewer may transfer beer to a brew pub wholly  
21 owned and operated by the class 2 brewer subject to the  
22 following limitations and restrictions: (i) the transfer shall  
23 not annually exceed more than 31,000 gallons; (ii) the annual  
24 amount transferred shall reduce the brew pub's annual permitted  
25 production limit; (iii) all beer transferred shall be subject  
26 to Article VIII of this Act; (iv) a written record shall be

1 maintained by the brewer and brew pub specifying the amount,  
2 date of delivery, and receipt of the product by the brew pub;  
3 and (v) the brew pub shall be located no farther than 80 miles  
4 from the class 2 brewer's licensed location.

5 A class 2 brewer shall, prior to transferring beer to a  
6 brew pub wholly owned by the class 2 brewer, furnish a written  
7 notice to the State Commission of intent to transfer beer  
8 setting forth the name and address of the brew pub and shall  
9 annually submit to the State Commission a verified report  
10 identifying the total gallons of beer transferred to the brew  
11 pub wholly owned by the class 2 brewer.

12 (a-1) A manufacturer which is licensed in this State to  
13 make sales or deliveries of alcoholic liquor to licensed  
14 distributors or importing distributors and which enlists  
15 agents, representatives, or individuals acting on its behalf  
16 who contact licensed retailers on a regular and continual basis  
17 in this State must register those agents, representatives, or  
18 persons acting on its behalf with the State Commission.

19 Registration of agents, representatives, or persons acting  
20 on behalf of a manufacturer is fulfilled by submitting a form  
21 to the Commission. The form shall be developed by the  
22 Commission and shall include the name and address of the  
23 applicant, the name and address of the manufacturer he or she  
24 represents, the territory or areas assigned to sell to or  
25 discuss pricing terms of alcoholic liquor, and any other  
26 questions deemed appropriate and necessary. All statements in

1 the forms required to be made by law or by rule shall be deemed  
2 material, and any person who knowingly misstates any material  
3 fact under oath in an application is guilty of a Class B  
4 misdemeanor. Fraud, misrepresentation, false statements,  
5 misleading statements, evasions, or suppression of material  
6 facts in the securing of a registration are grounds for  
7 suspension or revocation of the registration. The State  
8 Commission shall post a list of registered agents on the  
9 Commission's website.

10 (b) A distributor's license shall allow (i) the wholesale  
11 purchase and storage of alcoholic liquors and sale of alcoholic  
12 liquors to licensees in this State and to persons without the  
13 State, as may be permitted by law; (ii) the sale of beer,  
14 cider, or both beer and cider to brewers, class 1 brewers, and  
15 class 2 brewers that, pursuant to subsection (e) of Section 6-4  
16 of this Act, sell beer, cider, or both beer and cider to  
17 non-licensees at their breweries; and (iii) the sale of  
18 vermouth to class 1 craft distillers and class 2 craft  
19 distillers that, pursuant to subsection (e) of Section 6-4 of  
20 this Act, sell spirits, vermouth, or both spirits and vermouth  
21 to non-licensees at their distilleries. No person licensed as a  
22 distributor shall be granted a non-resident dealer's license.

23 (c) An importing distributor's license may be issued to and  
24 held by those only who are duly licensed distributors, upon the  
25 filing of an application by a duly licensed distributor, with  
26 the Commission and the Commission shall, without the payment of

1 any fee, immediately issue such importing distributor's  
2 license to the applicant, which shall allow the importation of  
3 alcoholic liquor by the licensee into this State from any point  
4 in the United States outside this State, and the purchase of  
5 alcoholic liquor in barrels, casks or other bulk containers and  
6 the bottling of such alcoholic liquors before resale thereof,  
7 but all bottles or containers so filled shall be sealed,  
8 labeled, stamped and otherwise made to comply with all  
9 provisions, rules and regulations governing manufacturers in  
10 the preparation and bottling of alcoholic liquors. The  
11 importing distributor's license shall permit such licensee to  
12 purchase alcoholic liquor from Illinois licensed non-resident  
13 dealers and foreign importers only. No person licensed as an  
14 importing distributor shall be granted a non-resident dealer's  
15 license.

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

1 business conducted at a retail licensed premises, a retailer's  
2 licensee may be designated by the State Commission as (i) an on  
3 premise consumption retailer, (ii) an off premise sale  
4 retailer, or (iii) a combined on premise consumption and off  
5 premise sale retailer.

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

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

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

13 Nothing in this Act prohibits an Illinois licensed  
14 distributor from offering credit or a refund for unused,  
15 salable alcoholic liquors to a holder of a special event  
16 retailer's license or the special event retailer's licensee  
17 from accepting the credit or refund of alcoholic liquors at the  
18 conclusion of the event specified in the license.

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

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

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

20 (h) A non-beverage user's license shall allow the licensee  
21 to purchase alcoholic liquor from a licensed manufacturer or  
22 importing distributor, without the imposition of any tax upon  
23 the business of such licensed manufacturer or importing  
24 distributor as to such alcoholic liquor to be used by such  
25 licensee solely for the non-beverage purposes set forth in  
26 subsection (a) of Section 8-1 of this Act, and such licenses

1 shall be divided and classified and shall permit the purchase,  
2 possession and use of limited and stated quantities of  
3 alcoholic liquor as follows:

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

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



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

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

1 liquors to any licensee within this State. A single airplane  
2 license shall be required of an airline company if liquor  
3 service is provided on board aircraft in this State. The annual  
4 fee for such license shall be as determined in Section 5-3.

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

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

1 distributor, importing distributor or foreign importer,  
2 whether such solicitation or offer is consummated within or  
3 without the State of Illinois.

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

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

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

24 A broker's license under this subsection (1) shall not  
25 entitle the holder to buy or sell any alcoholic liquors for his  
26 own account or to take or deliver title to such alcoholic

1 liquors.

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

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

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

1 provisions apply to manufacturers. No person licensed as a  
2 non-resident dealer shall be granted a distributor's or  
3 importing distributor's license.

4 (n) A brew pub license shall allow the licensee to only (i)  
5 manufacture up to 155,000 gallons of beer per year only on the  
6 premises specified in the license, (ii) make sales of the beer  
7 manufactured on the premises or, with the approval of the  
8 Commission, beer manufactured on another brew pub licensed  
9 premises that is wholly owned and operated by the same licensee  
10 to importing distributors, distributors, and to non-licensees  
11 for use and consumption, (iii) store the beer upon the  
12 premises, (iv) sell and offer for sale at retail from the  
13 licensed premises for on-premises consumption or off-premises  
14 consumption no more than 155,000 gallons per year ~~so long as~~  
15 ~~such sales are only made in person~~, (v) sell and offer for sale  
16 at retail for use and consumption on the premises specified in  
17 the license any form of alcoholic liquor purchased from a  
18 licensed distributor or importing distributor, (vi) with the  
19 prior approval of the Commission, annually transfer no more  
20 than 155,000 gallons of beer manufactured on the premises to a  
21 licensed brew pub wholly owned and operated by the same  
22 licensee, ~~and~~ (vii) notwithstanding item (i) of this  
23 subsection, brew pubs wholly owned and operated by the same  
24 licensee may combine each location's production limit of  
25 155,000 gallons of beer per year and allocate the aggregate  
26 total between the wholly owned, operated, and licensed

1 locations, and (viii) sell no more than 6,200 gallons of beer  
2 per year to retail licensees within a 5-mile radius of the  
3 licensed premises if the premises are in a city with a  
4 population of more than 1,000,000 or within a 10-mile radius of  
5 the licensed premises if the premises are in a city with a  
6 population of 1,000,000 or less.

7 ~~A brew pub licensee shall not under any circumstance sell~~  
8 ~~or offer for sale beer manufactured by the brew pub licensee to~~  
9 ~~retail licensees.~~

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

21 Notwithstanding any other provision of this Act, a licensed  
22 brewer, class 2 brewer, or non-resident dealer who before July  
23 1, 2015 manufactured less than 3,720,000 gallons of beer per  
24 year and held a brew pub license on or before July 1, 2015 may  
25 (i) continue to qualify for and hold that brew pub license for  
26 the licensed premises and (ii) manufacture more than 3,720,000

1 gallons of beer per year and continue to qualify for and hold  
2 that brew pub license if that brewer, class 2 brewer, or  
3 non-resident dealer does not simultaneously hold a class 1  
4 brewer license and is not a member of or affiliated with,  
5 directly or indirectly, a manufacturer that produces more than  
6 3,720,000 gallons of beer per year or that produces any other  
7 alcoholic liquor.

8 (o) A caterer retailer license shall allow the holder to  
9 serve alcoholic liquors as an incidental part of a food service  
10 that serves prepared meals which excludes the serving of snacks  
11 as the primary meal, either on or off-site whether licensed or  
12 unlicensed. A caterer retailer license shall allow the holder,  
13 a distributor, or an importing distributor to transfer any  
14 inventory to and from the holder's retail premises and shall  
15 allow the holder to purchase alcoholic liquor from a  
16 distributor or importing distributor to be delivered directly  
17 to an off-site event.

18 Nothing in this Act prohibits a distributor or importing  
19 distributor from offering credit or a refund for unused,  
20 salable beer to a holder of a caterer retailer license or a  
21 caterer retailer licensee from accepting a credit or refund for  
22 unused, salable beer, in the event an act of God is the sole  
23 reason an off-site event is cancelled and if: (i) the holder of  
24 a caterer retailer license has not transferred alcoholic liquor  
25 from its caterer retailer premises to an off-site location;  
26 (ii) the distributor or importing distributor offers the credit

1 or refund for the unused, salable beer that it delivered to the  
2 off-site premises and not for any unused, salable beer that the  
3 distributor or importing distributor delivered to the caterer  
4 retailer's premises; and (iii) the unused, salable beer would  
5 likely spoil if transferred to the caterer retailer's premises.  
6 A caterer retailer license shall allow the holder to transfer  
7 any inventory from any off-site location to its caterer  
8 retailer premises at the conclusion of an off-site event or  
9 engage a distributor or importing distributor to transfer any  
10 inventory from any off-site location to its caterer retailer  
11 premises at the conclusion of an off-site event, provided that  
12 the distributor or importing distributor issues bona fide  
13 charges to the caterer retailer licensee for fuel, labor, and  
14 delivery and the distributor or importing distributor collects  
15 payment from the caterer retailer licensee prior to the  
16 distributor or importing distributor transferring inventory to  
17 the caterer retailer premises.

18 For purposes of this subsection (o), an "act of God" means  
19 an unforeseeable event, such as a rain or snow storm, hail, a  
20 flood, or a similar event, that is the sole cause of the  
21 cancellation of an off-site, outdoor event.

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



1 auction liquor licensee to hold the auction anywhere in the  
2 State. An auction liquor license must be obtained for each  
3 auction at least 14 days in advance of the auction date.

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

21 A special use permit license shall allow the holder to  
22 transfer any inventory from the holder's special use premises  
23 to its retail premises at the conclusion of the special use  
24 event or engage a distributor or importing distributor to  
25 transfer any inventory from the holder's special use premises  
26 to its retail premises at the conclusion of an off-site event,

1 provided that the distributor or importing distributor issues  
2 bona fide charges to the special use permit licensee for fuel,  
3 labor, and delivery and the distributor or importing  
4 distributor collects payment from the retail licensee prior to  
5 the distributor or importing distributor transferring  
6 inventory to the retail premises.

7 Nothing in this Act prohibits a distributor or importing  
8 distributor from offering credit or a refund for unused,  
9 salable beer to a special use permit licensee or a special use  
10 permit licensee from accepting a credit or refund for unused,  
11 salable beer at the conclusion of the event specified in the  
12 license if: (i) the holder of the special use permit license  
13 has not transferred alcoholic liquor from its retail licensed  
14 premises to the premises specified in the special use permit  
15 license; (ii) the distributor or importing distributor offers  
16 the credit or refund for the unused, salable beer that it  
17 delivered to the premises specified in the special use permit  
18 license and not for any unused, salable beer that the  
19 distributor or importing distributor delivered to the  
20 retailer's premises; and (iii) the unused, salable beer would  
21 likely spoil if transferred to the retailer premises.

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

1 licensee directly to a resident of this State who is 21 years  
2 of age or older for that resident's personal use and not for  
3 resale. Prior to receiving a winery shipper's license, an  
4 applicant for the license must provide the Commission with a  
5 true copy of its current license in any state in which it is  
6 licensed as a manufacturer of wine. An applicant for a winery  
7 shipper's license must also complete an application form that  
8 provides any other information the Commission deems necessary.  
9 The application form shall include all addresses from which the  
10 applicant for a winery shipper's license intends to ship wine,  
11 including the name and address of any third party, except for a  
12 common carrier, authorized to ship wine on behalf of the  
13 manufacturer. The application form shall include an  
14 acknowledgement consenting to the jurisdiction of the  
15 Commission, the Illinois Department of Revenue, and the courts  
16 of this State concerning the enforcement of this Act and any  
17 related laws, rules, and regulations, including authorizing  
18 the Department of Revenue and the Commission to conduct audits  
19 for the purpose of ensuring compliance with Public Act 95-634,  
20 and an acknowledgement that the wine manufacturer is in  
21 compliance with Section 6-2 of this Act. Any third party,  
22 except for a common carrier, authorized to ship wine on behalf  
23 of a first-class or second-class wine manufacturer's licensee,  
24 a first-class or second-class wine-maker's licensee, a limited  
25 wine manufacturer's licensee, or a person who is licensed to  
26 make wine under the laws of another state shall also be

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

11 Except for a common carrier, a third-party provider  
12 shipping wine on behalf of a winery shipper's license holder is  
13 the agent of the winery shipper's license holder and, as such,  
14 a winery shipper's license holder is responsible for the acts  
15 and omissions of the third-party provider acting on behalf of  
16 the license holder. A third-party provider, except for a common  
17 carrier, that engages in shipping wine into Illinois on behalf  
18 of a winery shipper's license holder shall consent to the  
19 jurisdiction of the State Commission and the State. Any  
20 third-party, except for a common carrier, holding such an  
21 appointment shall, by February 1 of each calendar year and upon  
22 request by the State Commission or the Department of Revenue,  
23 file with the State Commission a statement detailing each  
24 shipment made to an Illinois resident. The statement shall  
25 include the name and address of the third-party provider filing  
26 the statement, the time period covered by the statement, and

1 the following information:

2 (1) the name, address, and license number of the winery  
3 shipper on whose behalf the shipment was made;

4 (2) the quantity of the products delivered; and

5 (3) the date and address of the shipment.

6 If the Department of Revenue or the State Commission requests a  
7 statement under this paragraph, the third-party provider must  
8 provide that statement no later than 30 days after the request  
9 is made. Any books, records, supporting papers, and documents  
10 containing information and data relating to a statement under  
11 this paragraph shall be kept and preserved for a period of 3  
12 years, unless their destruction sooner is authorized, in  
13 writing, by the Director of Revenue, and shall be open and  
14 available to inspection by the Director of Revenue or the State  
15 Commission or any duly authorized officer, agent, or employee  
16 of the State Commission or the Department of Revenue, at all  
17 times during business hours of the day. Any person who violates  
18 any provision of this paragraph or any rule of the State  
19 Commission for the administration and enforcement of the  
20 provisions of this paragraph is guilty of a Class C  
21 misdemeanor. In case of a continuing violation, each day's  
22 continuance thereof shall be a separate and distinct offense.

23 The State Commission shall adopt rules as soon as  
24 practicable to implement the requirements of Public Act 99-904  
25 and shall adopt rules prohibiting any such third-party  
26 appointment of a third-party provider, except for a common

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

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

6 As used in this subsection, "third-party provider" means  
7 any entity that provides fulfillment house services, including  
8 warehousing, packaging, distribution, order processing, or  
9 shipment of wine, but not the sale of wine, on behalf of a  
10 licensed winery shipper.

11 (s) A craft distiller tasting permit license shall allow an  
12 Illinois licensed class 1 craft distiller or class 2 craft  
13 distiller to transfer a portion of its alcoholic liquor  
14 inventory from its class 1 craft distiller or class 2 craft  
15 distiller licensed premises to the premises specified in the  
16 license hereby created and to conduct a sampling, only in the  
17 premises specified in the license hereby created, of the  
18 transferred alcoholic liquor in accordance with subsection (c)  
19 of Section 6-31 of this Act. The transferred alcoholic liquor  
20 may not be sold or resold in any form. An applicant for the  
21 craft distiller tasting permit license must also submit with  
22 the application proof satisfactory to the State Commission that  
23 the applicant will provide dram shop liability insurance to the  
24 maximum limits and have local authority approval.

25 (t) A brewer warehouse permit may be issued to the holder  
26 of a class 1 brewer license or a class 2 brewer license. If the

1 holder of the permit is a class 1 brewer licensee, the brewer  
2 warehouse permit shall allow the holder to store or warehouse  
3 up to 930,000 gallons of tax-determined beer manufactured by  
4 the holder of the permit at the premises specified on the  
5 permit. If the holder of the permit is a class 2 brewer  
6 licensee, the brewer warehouse permit shall allow the holder to  
7 store or warehouse up to 3,720,000 gallons of tax-determined  
8 beer manufactured by the holder of the permit at the premises  
9 specified on the permit. Sales to non-licensees are prohibited  
10 at the premises specified in the brewer warehouse permit.

11 (u) A distilling pub license shall allow the licensee to  
12 only (i) manufacture up to 5,000 gallons of spirits per year  
13 only on the premises specified in the license, (ii) make sales  
14 of the spirits manufactured on the premises or, with the  
15 approval of the State Commission, spirits manufactured on  
16 another distilling pub licensed premises that is wholly owned  
17 and operated by the same licensee to importing distributors and  
18 distributors and to non-licensees for use and consumption,  
19 (iii) store the spirits upon the premises, (iv) sell and offer  
20 for sale at retail from the licensed premises for off-premises  
21 consumption no more than 5,000 gallons per year so long as such  
22 sales are only made in-person, (v) sell and offer for sale at  
23 retail for use and consumption on the premises specified in the  
24 license any form of alcoholic liquor purchased from a licensed  
25 distributor or importing distributor, and (vi) with the prior  
26 approval of the State Commission, annually transfer no more



1 than 5,000 gallons of spirits manufactured on the premises to a  
2 licensed distilling pub wholly owned and operated by the same  
3 licensee.

4 A distilling pub licensee shall not under any circumstance  
5 sell or offer for sale spirits manufactured by the distilling  
6 pub licensee to retail licensees.

7 A person who holds a class 2 craft distiller license may  
8 simultaneously hold a distilling pub license if the class 2  
9 craft distiller (i) does not, under any circumstance, sell or  
10 offer for sale spirits manufactured by the class 2 craft  
11 distiller to retail licensees; (ii) does not hold more than 3  
12 distilling pub licenses in this State; (iii) does not  
13 manufacture more than a combined 100,000 gallons of spirits per  
14 year, including the spirits manufactured at the distilling pub;  
15 and (iv) is not a member of or affiliated with, directly or  
16 indirectly, a manufacturer that produces more than 100,000  
17 gallons of spirits per year or any other alcoholic liquor.

18 (v) A craft distiller warehouse permit may be issued to the  
19 holder of a class 1 craft distiller or class 2 craft distiller  
20 license. The craft distiller warehouse permit shall allow the  
21 holder to store or warehouse up to 500,000 gallons of spirits  
22 manufactured by the holder of the permit at the premises  
23 specified on the permit. Sales to non-licensees are prohibited  
24 at the premises specified in the craft distiller warehouse  
25 permit.

26 (Source: P.A. 100-17, eff. 6-30-17; 100-201, eff. 8-18-17;

1 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff.  
2 8-23-18; 101-16, eff. 6-14-19; 101-31, eff. 6-28-19; 101-81,  
3 eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff. 8-23-19;  
4 101-615, eff. 12-20-19.)".