



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3494

Introduced 2/14/2020, by Sen. Antonio Muñoz

#### SYNOPSIS AS INTRODUCED:

235 ILCS 5/6-6.1 new

Amends the Liquor Control Act of 1934. Provides that manufacturers, distributors, or importing distributors may stock at retail licensed establishments alcoholic liquors they sell, provided that the alcoholic liquor products of other manufacturers, distributors, or importing distributors are not moved, altered, or disturbed and other conditions are met. Provides that manufacturers, distributors, or importing distributors may rotate their own alcoholic liquor products at a retailer's premises one time either during the normal course of, 24 hours before, or within 24 hours after a regular sales call or one time either during the normal course of, 24 hours before, or within 24 hours after delivery to the retailer. Provides that manufacturers, distributors, or importing distributors may participate in or be present at merchandising resets conducted at a retailer's premises no more than 4 times per year. Provides that manufacturers, distributors, or importing distributors may provide to retailers recommended diagrams, shelf plans, or shelf schematics that suggest beneficial display locations for their alcoholic liquor products at the retailer's premises. Prohibits manufacturers, distributors, and importing distributors from conditioning pricing discounts, credits, rebates, access to brands, or the provision of any other item or activity permissible under the Act upon a retailer's choice to implement or not implement diagrams, shelf plans, or shelf schematics. Provides that manufacturers, distributors, or importing distributors may not affix prices to products on behalf of retailers. Defines "reset", "rotation", and "stocking". Makes other changes. Effective immediately.

LRB101 20201 RPS 69741 b

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 adding Section 6-6.1 as follows:

6 (235 ILCS 5/6-6.1 new)

7 Sec. 6-6.1. Stocking, rotation, resetting, and pricing  
8 services.

9 (a) In this Section:

10 "Reset" means the large-scale rearrangement of the  
11 alcoholic liquor products at a retailer's premises.

12 "Rotation" means moving newer, fresher products from a  
13 storage area to a point-of-sale area and the replenishing of  
14 the point-of-sale area with fresh products.

15 "Stocking" means the placing of alcoholic liquors where  
16 they are to be stored or where they are offered for sale.

17 (b) Manufacturers, distributors, or importing distributors  
18 may stock at retail licensed establishments alcoholic liquors  
19 they sell, provided that the alcoholic liquor products of other  
20 manufacturers, distributors, or importing distributors are not  
21 moved, altered, or disturbed. This stocking may be done one  
22 time either during the normal course of, 24 hours before, or  
23 within 24 hours after a regular sales call or one time either

1 during the normal course of, 24 hours before, or within 24  
2 hours after delivery to the retailer. The stocking is  
3 considered service incidental to a sales call or delivery.

4 (c) Manufacturers, distributors, or importing distributors  
5 may rotate their own alcoholic liquor products at a retailer's  
6 premises one time either during the normal course of, 24 hours  
7 before, or within 24 hours after a regular sales call or one  
8 time either during the normal course of, 24 hours before, or  
9 within 24 hours after delivery to the retailer. Rotation may be  
10 performed at any location within a retailer's premises.

11 (d) Manufacturers, distributors, or importing distributors  
12 may participate in or be present at merchandising resets  
13 conducted at a retailer's premises no more than 4 times per  
14 year. During resets, manufacturers, distributors, or importing  
15 distributors may stock or restock entire sections of  
16 point-of-sale locations at the retailer's premises. No reset  
17 shall occur without at least 14 days' prior notice made by the  
18 retailer to all manufacturers, distributors, or importing  
19 distributors whose alcoholic liquor products are carried by the  
20 retailer. Manufacturers, distributors, or importing  
21 distributors may only move, alter, disturb, or displace their  
22 alcoholic liquor products and the products of properly  
23 notified, but nonattending, manufacturers, distributors, or  
24 importing distributors.

25 (e) Manufacturers, distributors, or importing distributors  
26 may provide to retailers recommended diagrams, shelf plans, or

1 shelf schematics that suggest beneficial display locations for  
2 their alcoholic liquor products at the retailer's premises.  
3 Manufacturers, distributors, or importing distributors may not  
4 condition pricing discounts, credits, rebates, access to  
5 brands, or the provision of any other item or activity  
6 permissible under this Act upon a retailer's choice to  
7 implement or not implement diagrams, shelf plans, or shelf  
8 schematics.

9 (f) Manufacturers, distributors, or importing distributors  
10 may not affix prices to products on behalf of retailers. This  
11 prohibition includes the indirect affixing of prices to  
12 product, including entering prices into a retailer's computer  
13 system. This prohibition does not prohibit manufacturers,  
14 distributors, or importing distributors, after stocking a  
15 shelf, from affixing shelf tags that identify the product and  
16 price of the alcoholic liquor; however, at no time may  
17 manufacturers, distributors, or importing distributors  
18 delegate or contract this service to a third party. Shelf tags  
19 are considered point-of-sale advertising materials and are  
20 subject to Section 6-6 of this Act. If permitted stocking by  
21 manufacturers, distributors, or importing distributors  
22 involves movement and a change in the placement of its product  
23 on the retailer's shelf, shelf tags may be moved to the new  
24 position of the product.

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.