



Rep. Keith Farnham

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LRB098 03452 MGM 44278 a

1 AMENDMENT TO HOUSE BILL 630

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 630 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 Section 5-3 and by adding Sections 1-3.39 and 6-36 as  
6 follows:

7 (235 ILCS 5/1-3.39 new)

8 Sec. 1-3.39. Homemade brewed beverage. "Homemade brewed  
9 beverage" means beer or any other beverage obtained by the  
10 alcoholic fermentation of an infusion or concoction of grains,  
11 sugars, or both in water and includes, but is not limited to,  
12 beer, mead, and cider made by a person 21 years of age or  
13 older, through his or her own efforts, fermented at his or her  
14 place of residence, fermented at another place of residence of  
15 a homemade brewed beverage brewer, or fermented at a premises  
16 of a commercial enterprise that is engaged primarily in selling

1 supplies and equipment for use by home brewers and not for a  
 2 commercial purpose but for consumption by that person or his or  
 3 her family, neighbors, guests, and friends or for use at an  
 4 exhibition, demonstration, judging, tasting, or sampling with  
 5 sampling sizes as authorized by Section 6-31 of this Act or as  
 6 part of a contest or competition authorized by Section 6-36 of  
 7 this Act.

8 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

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

16 For a manufacturer's license:

17 Class 1. Distiller .....	\$3,600
18 Class 2. Rectifier .....	3,600
19 Class 3. Brewer .....	900
20 Class 4. First-class Wine Manufacturer .....	600
21 Class 5. Second-class	
22 Wine Manufacturer .....	1,200
23 Class 6. First-class wine-maker .....	600
24 Class 7. Second-class wine-maker .....	1200
25 Class 8. Limited Wine Manufacturer .....	120

1	Class 9. Craft Distiller .....	1,800
2	Class 10. Craft Brewer .....	25
3	For a Brew Pub License .....	1,050
4	For a caterer retailer's license .....	200
5	For a foreign importer's license .....	25
6	For an importing distributor's license .....	25
7	For a distributor's license .....	270
8	For a non-resident dealer's license	
9	(500,000 gallons or over) .....	270
10	For a non-resident dealer's license	
11	(under 500,000 gallons) .....	90
12	For a wine-maker's premises license .....	100
13	For a winery shipper's license	
14	(under 250,000 gallons) .....	150
15	For a winery shipper's license	
16	(250,000 or over, but under 500,000 gallons)	500
17	For a winery shipper's license	
18	(500,000 gallons or over) .....	1,000
19	For a wine-maker's premises license,	
20	second location .....	350
21	For a wine-maker's premises license,	
22	third location .....	350
23	For a retailer's license .....	500
24	For a special event retailer's license,	
25	(not-for-profit) .....	25
26	For a special use permit license,	

1	one day only .....	50
2	2 days or more .....	100
3	For a railroad license .....	60
4	For a boat license .....	180
5	For an airplane license, times the	
6	licensee's maximum number of aircraft	
7	in flight, serving liquor over the	
8	State at any given time, which either	
9	originate, terminate, or make	
10	an intermediate stop in the State .....	60
11	For a non-beverage user's license:	
12	Class 1 .....	24
13	Class 2 .....	60
14	Class 3 .....	120
15	Class 4 .....	240
16	Class 5 .....	600
17	For a broker's license .....	600
18	For an auction liquor license .....	50
19	<u>For a homebrewer special event permit .....</u>	<u>25</u>

20 Fees collected under this Section shall be paid into the  
21 Dram Shop Fund. On and after July 1, 2003, of the funds  
22 received for a retailer's license, in addition to the first  
23 \$175, an additional \$75 shall be paid into the Dram Shop Fund,  
24 and \$250 shall be paid into the General Revenue Fund. Beginning  
25 June 30, 1990 and on June 30 of each subsequent year through  
26 June 29, 2003, any balance over \$5,000,000 remaining in the

1 Dram Shop Fund shall be credited to State liquor licensees and  
2 applied against their fees for State liquor licenses for the  
3 following year. The amount credited to each licensee shall be a  
4 proportion of the balance in the Dram Fund that is the same as  
5 the proportion of the license fee paid by the licensee under  
6 this Section for the period in which the balance was  
7 accumulated to the aggregate fees paid by all licensees during  
8 that period.

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

11 (a) Hospitals, sanitariums, or clinics when their use  
12 of alcoholic liquor is exclusively medicinal, mechanical  
13 or scientific.

14 (b) Universities, colleges of learning or schools when  
15 their use of alcoholic liquor is exclusively medicinal,  
16 mechanical or scientific.

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

19 (Source: P.A. 96-1367, eff. 7-28-10; 97-5, eff. 6-1-11.)

20 (235 ILCS 5/6-36 new)

21 Sec. 6-36. Homemade brewed beverages.

22 (a) No license or permit is required under this Act for the  
23 making of homemade brewed beverages or for the possession,  
24 transportation, or storage of homemade brewed beverages by any  
25 person 21 years of age or older, if all of the following apply:

1           (1) the person who makes the homemade brewed beverages  
2           receives no compensation;

3           (2) the homemade brewed beverages is not sold or  
4           offered for sale; and

5           (3) the total quantity of homemade brewed beverages  
6           made, in a calendar year, by the person does not exceed 100  
7           gallons if the household has only one person 21 years of  
8           age or older or 200 gallons if the household has 2 or more  
9           persons 21 years of age or older.

10          (b) A person who makes, possesses, transports, or stores  
11          homemade brewed beverages in compliance with the limitations  
12          specified in subsection (a) is not a brewer, craft brewer,  
13          wholesaler, retailer, or a manufacturer of beer for the  
14          purposes of this Act.

15          (c) Homemade brewed beverages made in compliance with the  
16          limitations specified in subsection (a) may be consumed by the  
17          person who made it and his or her family, neighbors, and  
18          friends at any private residence or other private location  
19          where the possession and consumption of alcohol is permissible  
20          under this Act, local ordinances, and other applicable law,  
21          provided that the homemade brewed beverages are not made  
22          available for consumption by the general public.

23          (d) Homemade brewed beverages made in compliance with the  
24          limitations specified in subsection (a) may be used for  
25          purposes of a public exhibition, demonstration, tasting, or  
26          sampling with sampling sizes as authorized by Section 6-31, if

1 the event is held at a private residence or at a location other  
2 than a retail licensed premises. If the public event is not  
3 held at a private residence, the event organizer shall obtain a  
4 homebrewer special event permit for each location, and is  
5 subject to the provisions in subsection (a) of Section 6-21.  
6 Homemade brewed beverages used for purposes described in this  
7 subsection (d), including the submission or consumption of the  
8 homemade brewed beverages, are not considered sold or offered  
9 for sale under this Act. A public exhibition, demonstration,  
10 tasting, or sampling with sampling sizes as authorized by  
11 Section 6-31 held by a licensee on a location other than a  
12 retail licensed premises may require an admission charge to the  
13 event, but no separate or additional fee may be charged for the  
14 consumption of a person's homemade brewed beverages at the  
15 public exhibition, demonstration, tasting, or sampling with  
16 sampling sizes as authorized by Section 6-31. Event admission  
17 charges that are collected may be partially used to provide  
18 prizes to makers of homemade brewed beverages, but the  
19 admission charges may not be divided in any fashion among the  
20 makers of the homemade brewed beverages who participate in the  
21 event. Homemade brewed beverages used for purposes described in  
22 this subsection (d) are not considered sold or offered for sale  
23 under this Act if a maker of homemade brewed beverages receives  
24 free event admission or discounted event admission in return  
25 for the maker's donation of the homemade brewed beverages to an  
26 event specified in this subsection (d) that collects event

1 admission charges; free admission or discounted admission to  
2 the event is not considered compensation under this Act. No  
3 admission fee and no charge for the consumption of a person's  
4 homemade brewed beverage may be collected if the public  
5 exhibition, demonstration, tasting, sampling with sampling  
6 sizes as authorized by Section 6-31 is held at a private  
7 residence.

8 (e) A person who is not a licensee under this Act may at a  
9 private residence, and a person who is a licensee under this  
10 Act may on the licensed premises, conduct, sponsor, or host a  
11 contest, competition, or other event for the exhibition,  
12 demonstration, judging, tasting, or sampling of homemade  
13 brewed beverages made in compliance with the limitations  
14 specified in subsection (a), if the person does not sell the  
15 homemade brewed beverages and, unless the person is the brewer  
16 of the homemade brewed beverages, does not acquire any  
17 ownership interest in the homemade brewed beverages. If the  
18 contest, competition, exhibition, demonstration, or judging is  
19 not held at a private residence, the consumption of the  
20 homemade brewed beverages is limited to qualified judges and  
21 stewards as defined by a national or international beer judging  
22 program, who are identified by the event organizer in advance  
23 of the contest, competition, exhibition, demonstration, or  
24 judging. Homemade brewed beverages used for the purposes  
25 described in this subsection (e), including the submission or  
26 consumption of the homemade brewed beverages, are not

1 considered sold or offered for sale under this Act and any  
2 prize awarded at a contest or competition or as a result of an  
3 exhibition, demonstration, or judging is not considered  
4 compensation under this Act. An exhibition, demonstration,  
5 judging, contest, or competition held by a licensee on a  
6 licensed premises may require an admission charge to the event,  
7 but no separate or additional fee may be charged for the  
8 consumption of a person's homemade brewed beverage at the  
9 exhibition, demonstration, judging or, contest, or  
10 competition. A portion of event admission charges that are  
11 collected may be used to provide prizes to makers of homemade  
12 brewed beverages, but the admission charges may not be divided  
13 in any fashion among the makers of the homemade brewed  
14 beverages who participate in the event. Homemade brewed  
15 beverages used for purposes described in this subsection (e)  
16 are not considered sold or offered for sale under this Act if a  
17 maker of homemade brewed beverages receives free event  
18 admission or discounted event admission in return for the  
19 maker's donation of the homemade brewed beverages to an event  
20 specified in this subsection (e) that collects event admission  
21 charges; free admission or discounted admission to the event is  
22 not considered compensation under this Act. No admission fee  
23 and no charge for the consumption of a person's homemade brewed  
24 beverage may be charged if the exhibition, demonstration,  
25 judging, contest, or competition is held at a private  
26 residence. The fact that a person is acting in a manner

1 authorized by this Section is not, by itself, sufficient to  
2 constitute a public nuisance under Section 10-7 of this Act. If  
3 the contest, competition, or other event is held on licensed  
4 premises, the licensee may allow the homemade brewed beverages  
5 to be stored on the premises if the homemade brewed beverages  
6 are clearly identified, kept separate from any alcohol  
7 beverages owned by the licensee. If the contest, competition,  
8 or other event is held on licensed premises, other provisions  
9 of this Act not inconsistent with this Section apply.

10 (f) A commercial enterprise engaged primarily in selling  
11 supplies and equipment to the public for use by homebrewers may  
12 manufacture homemade brewed beverages for the purpose of  
13 tasting the homemade brewed beverages at the location of the  
14 commercial enterprise, provided that the homemade brewed  
15 beverages are not sold or offered for sale. Homemade brewed  
16 beverages provided at a commercial enterprise for tasting under  
17 this subsection (f) shall be in compliance with Sections 6-16,  
18 6-21, and 6-31 of this Act. A commercial enterprise engaged  
19 solely in selling supplies and equipment for use by homebrewers  
20 shall not be required to secure a license under this Act,  
21 however, such commercial enterprise shall secure liquor  
22 liability insurance coverage in an amount at least equal to the  
23 maximum liability amounts set forth in subsection (a) of  
24 Section 6-21 of this Act.

25 (g) Homemade brewed beverages are not subject to Section  
26 8-1 of this Act.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".