

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 1-3.40, 3-12, 5-1, 5-3, and 6-4 as follows:

6 (235 ILCS 5/1-3.40)

7 Sec. 1-3.40. Manufacturer class license holder.

8 "Manufacturer class license holder" means any holder of a  
9 Manufacturer's license as provided in Section 5-1 of this Act.

10 The Manufacturer's licenses are: a Class 1. Distiller, a Class  
11 2. Rectifier, a Class 3. Brewer, a Class 4. First Class Wine  
12 Manufacturer, a Class 5. Second Class Wine Manufacturer, a  
13 Class 6. First Class Winemaker, a Class 7. Second Class  
14 Winemaker, a Class 8. Limited Wine Manufacturer, a Class 9.  
15 Class 1 Craft Distiller, a Class 10. Class 2 Craft Distiller,  
16 and a Class 11. Class 1 Brewer, and a Class 12. Class 2 Brewer,  
17 ~~10. Craft Brewer~~ and any future Manufacturer's licenses  
18 established by law.

19 (Source: P.A. 99-282, eff. 8-5-15; 99-642, eff. 7-28-16.)

20 (235 ILCS 5/3-12)

21 Sec. 3-12. Powers and duties of State Commission.

22 (a) The State Commission shall have the following powers,

1 functions, and duties:

2 (1) To receive applications and to issue licenses to  
3 manufacturers, foreign importers, importing distributors,  
4 distributors, non-resident dealers, on premise consumption  
5 retailers, off premise sale retailers, special event  
6 retailer licensees, special use permit licenses, auction  
7 liquor licenses, brew pubs, caterer retailers,  
8 non-beverage users, railroads, including owners and  
9 lessees of sleeping, dining and cafe cars, airplanes,  
10 boats, brokers, and wine maker's premises licensees in  
11 accordance with the provisions of this Act, and to suspend  
12 or revoke such licenses upon the State Commission's  
13 determination, upon notice after hearing, that a licensee  
14 has violated any provision of this Act or any rule or  
15 regulation issued pursuant thereto and in effect for 30  
16 days prior to such violation. Except in the case of an  
17 action taken pursuant to a violation of Section 6-3, 6-5,  
18 or 6-9, any action by the State Commission to suspend or  
19 revoke a licensee's license may be limited to the license  
20 for the specific premises where the violation occurred. An  
21 action for a violation of this Act shall be commenced by  
22 the State Commission within 2 years after the date the  
23 State Commission becomes aware of the violation.

24 In lieu of suspending or revoking a license, the  
25 commission may impose a fine, upon the State Commission's  
26 determination and notice after hearing, that a licensee has

1 violated any provision of this Act or any rule or  
2 regulation issued pursuant thereto and in effect for 30  
3 days prior to such violation.

4 For the purpose of this paragraph (1), when determining  
5 multiple violations for the sale of alcohol to a person  
6 under the age of 21, a second or subsequent violation for  
7 the sale of alcohol to a person under the age of 21 shall  
8 only be considered if it was committed within 5 years after  
9 the date when a prior violation for the sale of alcohol to  
10 a person under the age of 21 was committed.

11 The fine imposed under this paragraph may not exceed  
12 \$500 for each violation. Each day that the activity, which  
13 gave rise to the original fine, continues is a separate  
14 violation. The maximum fine that may be levied against any  
15 licensee, for the period of the license, shall not exceed  
16 \$20,000. The maximum penalty that may be imposed on a  
17 licensee for selling a bottle of alcoholic liquor with a  
18 foreign object in it or serving from a bottle of alcoholic  
19 liquor with a foreign object in it shall be the destruction  
20 of that bottle of alcoholic liquor for the first 10 bottles  
21 so sold or served from by the licensee. For the eleventh  
22 bottle of alcoholic liquor and for each third bottle  
23 thereafter sold or served from by the licensee with a  
24 foreign object in it, the maximum penalty that may be  
25 imposed on the licensee is the destruction of the bottle of  
26 alcoholic liquor and a fine of up to \$50.

1           Any notice issued by the State Commission to a licensee  
2           for a violation of this Act or any notice with respect to  
3           settlement or offer in compromise shall include the field  
4           report, photographs, and any other supporting  
5           documentation necessary to reasonably inform the licensee  
6           of the nature and extent of the violation or the conduct  
7           alleged to have occurred. The failure to include such  
8           required documentation shall result in the dismissal of the  
9           action.

10           (2) To adopt such rules and regulations consistent with  
11           the provisions of this Act which shall be necessary to  
12           carry on its functions and duties to the end that the  
13           health, safety and welfare of the People of the State of  
14           Illinois shall be protected and temperance in the  
15           consumption of alcoholic liquors shall be fostered and  
16           promoted and to distribute copies of such rules and  
17           regulations to all licensees affected thereby.

18           (3) To call upon other administrative departments of  
19           the State, county and municipal governments, county and  
20           city police departments and upon prosecuting officers for  
21           such information and assistance as it deems necessary in  
22           the performance of its duties.

23           (4) To recommend to local commissioners rules and  
24           regulations, not inconsistent with the law, for the  
25           distribution and sale of alcoholic liquors throughout the  
26           State.

1           (5) To inspect, or cause to be inspected, any premises  
2           in this State where alcoholic liquors are manufactured,  
3           distributed, warehoused, or sold. Nothing in this Act  
4           authorizes an agent of the Commission to inspect private  
5           areas within the premises without reasonable suspicion or a  
6           warrant during an inspection. "Private areas" include, but  
7           are not limited to, safes, personal property, and closed  
8           desks.

9           (5.1) Upon receipt of a complaint or upon having  
10          knowledge that any person is engaged in business as a  
11          manufacturer, importing distributor, distributor, or  
12          retailer without a license or valid license, to notify the  
13          local liquor authority, file a complaint with the State's  
14          Attorney's Office of the county where the incident  
15          occurred, or initiate an investigation with the  
16          appropriate law enforcement officials.

17          (5.2) To issue a cease and desist notice to persons  
18          shipping alcoholic liquor into this State from a point  
19          outside of this State if the shipment is in violation of  
20          this Act.

21          (5.3) To receive complaints from licensees, local  
22          officials, law enforcement agencies, organizations, and  
23          persons stating that any licensee has been or is violating  
24          any provision of this Act or the rules and regulations  
25          issued pursuant to this Act. Such complaints shall be in  
26          writing, signed and sworn to by the person making the

1 complaint, and shall state with specificity the facts in  
2 relation to the alleged violation. If the Commission has  
3 reasonable grounds to believe that the complaint  
4 substantially alleges a violation of this Act or rules and  
5 regulations adopted pursuant to this Act, it shall conduct  
6 an investigation. If, after conducting an investigation,  
7 the Commission is satisfied that the alleged violation did  
8 occur, it shall proceed with disciplinary action against  
9 the licensee as provided in this Act.

10 (6) To hear and determine appeals from orders of a  
11 local commission in accordance with the provisions of this  
12 Act, as hereinafter set forth. Hearings under this  
13 subsection shall be held in Springfield or Chicago, at  
14 whichever location is the more convenient for the majority  
15 of persons who are parties to the hearing.

16 (7) The commission shall establish uniform systems of  
17 accounts to be kept by all retail licensees having more  
18 than 4 employees, and for this purpose the commission may  
19 classify all retail licensees having more than 4 employees  
20 and establish a uniform system of accounts for each class  
21 and prescribe the manner in which such accounts shall be  
22 kept. The commission may also prescribe the forms of  
23 accounts to be kept by all retail licensees having more  
24 than 4 employees, including but not limited to accounts of  
25 earnings and expenses and any distribution, payment, or  
26 other distribution of earnings or assets, and any other

1 forms, records and memoranda which in the judgment of the  
2 commission may be necessary or appropriate to carry out any  
3 of the provisions of this Act, including but not limited to  
4 such forms, records and memoranda as will readily and  
5 accurately disclose at all times the beneficial ownership  
6 of such retail licensed business. The accounts, forms,  
7 records and memoranda shall be available at all reasonable  
8 times for inspection by authorized representatives of the  
9 State Commission or by any local liquor control  
10 commissioner or his or her authorized representative. The  
11 commission, may, from time to time, alter, amend or repeal,  
12 in whole or in part, any uniform system of accounts, or the  
13 form and manner of keeping accounts.

14 (8) In the conduct of any hearing authorized to be held  
15 by the commission, to appoint, at the commission's  
16 discretion, hearing officers to conduct hearings involving  
17 complex issues or issues that will require a protracted  
18 period of time to resolve, to examine, or cause to be  
19 examined, under oath, any licensee, and to examine or cause  
20 to be examined the books and records of such licensee; to  
21 hear testimony and take proof material for its information  
22 in the discharge of its duties hereunder; to administer or  
23 cause to be administered oaths; for any such purpose to  
24 issue subpoena or subpoenas to require the attendance of  
25 witnesses and the production of books, which shall be  
26 effective in any part of this State, and to adopt rules to

1           implement its powers under this paragraph (8).

2           Any circuit court may by order duly entered, require  
3           the attendance of witnesses and the production of relevant  
4           books subpoenaed by the State Commission and the court may  
5           compel obedience to its order by proceedings for contempt.

6           (9) To investigate the administration of laws in  
7           relation to alcoholic liquors in this and other states and  
8           any foreign countries, and to recommend from time to time  
9           to the Governor and through him or her to the legislature  
10          of this State, such amendments to this Act, if any, as it  
11          may think desirable and as will serve to further the  
12          general broad purposes contained in Section 1-2 hereof.

13          (10) To adopt such rules and regulations consistent  
14          with the provisions of this Act which shall be necessary  
15          for the control, sale or disposition of alcoholic liquor  
16          damaged as a result of an accident, wreck, flood, fire or  
17          other similar occurrence.

18          (11) To develop industry educational programs related  
19          to responsible serving and selling, particularly in the  
20          areas of overserving consumers and illegal underage  
21          purchasing and consumption of alcoholic beverages.

22          (11.1) To license persons providing education and  
23          training to alcohol beverage sellers and servers for  
24          mandatory and non-mandatory training under the Beverage  
25          Alcohol Sellers and Servers Education and Training  
26          (BASSET) programs and to develop and administer a public



1 awareness program in Illinois to reduce or eliminate the  
2 illegal purchase and consumption of alcoholic beverage  
3 products by persons under the age of 21. Application for a  
4 license shall be made on forms provided by the State  
5 Commission.

6 (12) To develop and maintain a repository of license  
7 and regulatory information.

8 (13) (Blank).

9 (14) On or before April 30, 2008 and every 2 years  
10 thereafter, the Commission shall present a written report  
11 to the Governor and the General Assembly that shall be  
12 based on a study of the impact of Public Act 95-634 on the  
13 business of soliciting, selling, and shipping wine from  
14 inside and outside of this State directly to residents of  
15 this State. As part of its report, the Commission shall  
16 provide all of the following information:

17 (A) The amount of State excise and sales tax  
18 revenues generated.

19 (B) The amount of licensing fees received.

20 (C) The number of cases of wine shipped from inside  
21 and outside of this State directly to residents of this  
22 State.

23 (D) The number of alcohol compliance operations  
24 conducted.

25 (E) The number of winery shipper's licenses  
26 issued.

1           (F) The number of each of the following: reported  
2           violations; cease and desist notices issued by the  
3           Commission; notices of violations issued by the  
4           Commission and to the Department of Revenue; and  
5           notices and complaints of violations to law  
6           enforcement officials, including, without limitation,  
7           the Illinois Attorney General and the U.S. Department  
8           of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

9           (15) As a means to reduce the underage consumption of  
10          alcoholic liquors, the Commission shall conduct alcohol  
11          compliance operations to investigate whether businesses  
12          that are soliciting, selling, and shipping wine from inside  
13          or outside of this State directly to residents of this  
14          State are licensed by this State or are selling or  
15          attempting to sell wine to persons under 21 years of age in  
16          violation of this Act.

17          (16) The Commission shall, in addition to notifying any  
18          appropriate law enforcement agency, submit notices of  
19          complaints or violations of Sections 6-29 and 6-29.1 by  
20          persons who do not hold a winery shipper's license under  
21          this Act to the Illinois Attorney General and to the U.S.  
22          Department of Treasury's Alcohol and Tobacco Tax and Trade  
23          Bureau.

24          (17) (A) A person licensed to make wine under the laws  
25          of another state who has a winery shipper's license under  
26          this Act and annually produces less than 25,000 gallons of

1 wine or a person who has a first-class or second-class wine  
2 manufacturer's license, a first-class or second-class  
3 wine-maker's license, or a limited wine manufacturer's  
4 license under this Act and annually produces less than  
5 25,000 gallons of wine may make application to the  
6 Commission for a self-distribution exemption to allow the  
7 sale of not more than 5,000 gallons of the exemption  
8 holder's wine to retail licensees per year.

9 (B) In the application, which shall be sworn under  
10 penalty of perjury, such person shall state (1) the date it  
11 was established; (2) its volume of production and sales for  
12 each year since its establishment; (3) its efforts to  
13 establish distributor relationships; (4) that a  
14 self-distribution exemption is necessary to facilitate the  
15 marketing of its wine; and (5) that it will comply with the  
16 liquor and revenue laws of the United States, this State,  
17 and any other state where it is licensed.

18 (C) The Commission shall approve the application for a  
19 self-distribution exemption if such person: (1) is in  
20 compliance with State revenue and liquor laws; (2) is not a  
21 member of any affiliated group that produces more than  
22 25,000 gallons of wine per annum or produces any other  
23 alcoholic liquor; (3) will not annually produce for sale  
24 more than 25,000 gallons of wine; and (4) will not annually  
25 sell more than 5,000 gallons of its wine to retail  
26 licensees.

1 (D) A self-distribution exemption holder shall  
2 annually certify to the Commission its production of wine  
3 in the previous 12 months and its anticipated production  
4 and sales for the next 12 months. The Commission may fine,  
5 suspend, or revoke a self-distribution exemption after a  
6 hearing if it finds that the exemption holder has made a  
7 material misrepresentation in its application, violated a  
8 revenue or liquor law of Illinois, exceeded production of  
9 25,000 gallons of wine in any calendar year, or become part  
10 of an affiliated group producing more than 25,000 gallons  
11 of wine or any other alcoholic liquor.

12 (E) Except in hearings for violations of this Act or  
13 Public Act 95-634 or a bona fide investigation by duly  
14 sworn law enforcement officials, the Commission, or its  
15 agents, the Commission shall maintain the production and  
16 sales information of a self-distribution exemption holder  
17 as confidential and shall not release such information to  
18 any person.

19 (F) The Commission shall issue regulations governing  
20 self-distribution exemptions consistent with this Section  
21 and this Act.

22 (G) Nothing in this paragraph ~~subsection~~ (17) shall  
23 prohibit a self-distribution exemption holder from  
24 entering into or simultaneously having a distribution  
25 agreement with a licensed Illinois distributor.

26 (H) It is the intent of this paragraph ~~subsection~~ (17)

1 to promote and continue orderly markets. The General  
2 Assembly finds that in order to preserve Illinois'  
3 regulatory distribution system it is necessary to create an  
4 exception for smaller makers of wine as their wines are  
5 frequently adjusted in varietals, mixes, vintages, and  
6 taste to find and create market niches sometimes too small  
7 for distributor or importing distributor business  
8 strategies. Limited self-distribution rights will afford  
9 and allow smaller makers of wine access to the marketplace  
10 in order to develop a customer base without impairing the  
11 integrity of the 3-tier system.

12 (18) (A) A class 1 brewer licensee, who must also be  
13 either a licensed brewer or licensed non-resident dealer  
14 and annually manufacture less than 930,000 gallons of beer,  
15 may make application to the State Commission for a  
16 self-distribution exemption to allow the sale of not more  
17 than 232,500 gallons of the exemption holder's beer per  
18 year to retail licensees and to brewers, class 1 brewers,  
19 and class 2 brewers that, pursuant to subsection (e) of  
20 Section 6-4 of this Act, sell beer, cider, or both beer and  
21 cider to non-licensees at their breweries.

22 (B) In the application, which shall be sworn under  
23 penalty of perjury, the class 1 brewer licensee shall state  
24 (1) the date it was established; (2) its volume of beer  
25 manufactured and sold for each year since its  
26 establishment; (3) its efforts to establish distributor

1 relationships; (4) that a self-distribution exemption is  
2 necessary to facilitate the marketing of its beer; and (5)  
3 that it will comply with the alcoholic beverage and revenue  
4 laws of the United States, this State, and any other state  
5 where it is licensed.

6 (C) Any application submitted shall be posted on the  
7 State Commission's website at least 45 days prior to action  
8 by the State Commission. The State Commission shall approve  
9 the application for a self-distribution exemption if the  
10 class 1 brewer licensee: (1) is in compliance with the  
11 State, revenue, and alcoholic beverage laws; (2) is not a  
12 member of any affiliated group that manufactures more than  
13 930,000 gallons of beer per annum or produces any other  
14 alcoholic beverages; (3) shall not annually manufacture  
15 for sale more than 930,000 gallons of beer; (4) shall not  
16 annually sell more than 232,500 gallons of its beer to  
17 retail licensees or to brewers, class 1 brewers, and class  
18 2 brewers that, pursuant to subsection (e) of Section 6-4  
19 of this Act, sell beer, cider, or both beer and cider to  
20 non-licensees at their breweries; and (5) has relinquished  
21 any brew pub license held by the licensee, including any  
22 ownership interest it held in the licensed brew pub.

23 (D) A self-distribution exemption holder shall  
24 annually certify to the State Commission its manufacture of  
25 beer during the previous 12 months and its anticipated  
26 manufacture and sales of beer for the next 12 months. The

1 State Commission may fine, suspend, or revoke a  
2 self-distribution exemption after a hearing if it finds  
3 that the exemption holder has made a material  
4 misrepresentation in its application, violated a revenue  
5 or alcoholic beverage law of Illinois, exceeded the  
6 manufacture of 930,000 gallons of beer in any calendar year  
7 or became part of an affiliated group manufacturing more  
8 than 930,000 gallons of beer or any other alcoholic  
9 beverage.

10 (E) The State Commission shall issue rules and  
11 regulations governing self-distribution exemptions  
12 consistent with this Act.

13 (F) Nothing in this paragraph (18) shall prohibit a  
14 self-distribution exemption holder from entering into or  
15 simultaneously having a distribution agreement with a  
16 licensed Illinois importing distributor or a distributor.  
17 If a self-distribution exemption holder enters into a  
18 distribution agreement and has assigned distribution  
19 rights to an importing distributor or distributor, then the  
20 self-distribution exemption holder's distribution rights  
21 in the assigned territories shall cease in a reasonable  
22 time not to exceed 60 days.

23 (G) It is the intent of this paragraph (18) to promote  
24 and continue orderly markets. The General Assembly finds  
25 that in order to preserve Illinois' regulatory  
26 distribution system, it is necessary to create an exception

1 for smaller manufacturers in order to afford and allow such  
2 smaller manufacturers of beer access to the marketplace in  
3 order to develop a customer base without impairing the  
4 integrity of the 3-tier system.

5 (19) (A) A class 1 craft distiller licensee or a  
6 non-resident dealer who manufactures less than 50,000  
7 gallons of distilled spirits per year may make application  
8 to the State Commission for a self-distribution exemption  
9 to allow the sale of not more than 5,000 gallons of the  
10 exemption holder's spirits to retail licensees per year.

11 (B) In the application, which shall be sworn under  
12 penalty of perjury, the class 1 craft distiller licensee or  
13 non-resident dealer shall state (1) the date it was  
14 established; (2) its volume of spirits manufactured and  
15 sold for each year since its establishment; (3) its efforts  
16 to establish distributor relationships; (4) that a  
17 self-distribution exemption is necessary to facilitate the  
18 marketing of its spirits; and (5) that it will comply with  
19 the alcoholic beverage and revenue laws of the United  
20 States, this State, and any other state where it is  
21 licensed.

22 (C) Any application submitted shall be posted on the  
23 State Commission's website at least 45 days prior to action  
24 by the State Commission. The State Commission shall approve  
25 the application for a self-distribution exemption if the  
26 applicant: (1) is in compliance with State revenue and



1 alcoholic beverage laws; (2) is not a member of any  
2 affiliated group that produces more than 50,000 gallons of  
3 spirits per annum or produces any other alcoholic liquor;  
4 (3) does not annually manufacture for sale more than 50,000  
5 gallons of spirits; and (4) does not annually sell more  
6 than 5,000 gallons of its spirits to retail licensees.

7 (D) A self-distribution exemption holder shall  
8 annually certify to the State Commission its manufacture of  
9 spirits during the previous 12 months and its anticipated  
10 manufacture and sales of spirits for the next 12 months.  
11 The State Commission may fine, suspend, or revoke a  
12 self-distribution exemption after a hearing if it finds  
13 that the exemption holder has made a material  
14 misrepresentation in its application, violated a revenue  
15 or alcoholic beverage law of Illinois, exceeded the  
16 manufacture of 50,000 gallons of spirits in any calendar  
17 year, or has become part of an affiliated group  
18 manufacturing more than 50,000 gallons of spirits or any  
19 other alcoholic beverage.

20 (E) The State Commission shall adopt rules governing  
21 self-distribution exemptions consistent with this Act.

22 (F) Nothing in this paragraph (19) shall prohibit a  
23 self-distribution exemption holder from entering into or  
24 simultaneously having a distribution agreement with a  
25 licensed Illinois importing distributor or a distributor.

26 (G) It is the intent of this paragraph (19) to promote

1 and continue orderly markets. The General Assembly finds  
2 that in order to preserve Illinois' regulatory  
3 distribution system, it is necessary to create an exception  
4 for smaller manufacturers in order to afford and allow such  
5 smaller manufacturers of spirits access to the marketplace  
6 in order to develop a customer base without impairing the  
7 integrity of the 3-tier system.

8 (b) On or before April 30, 1999, the Commission shall  
9 present a written report to the Governor and the General  
10 Assembly that shall be based on a study of the impact of Public  
11 Act 90-739 on the business of soliciting, selling, and shipping  
12 alcoholic liquor from outside of this State directly to  
13 residents of this State.

14 As part of its report, the Commission shall provide the  
15 following information:

16 (i) the amount of State excise and sales tax revenues  
17 generated as a result of Public Act 90-739;

18 (ii) the amount of licensing fees received as a result  
19 of Public Act 90-739;

20 (iii) the number of reported violations, the number of  
21 cease and desist notices issued by the Commission, the  
22 number of notices of violations issued to the Department of  
23 Revenue, and the number of notices and complaints of  
24 violations to law enforcement officials.

25 (Source: P.A. 99-78, eff. 7-20-15; 99-448, eff. 8-24-15;  
26 100-134, eff. 8-18-17; 100-201, eff. 8-18-17; 100-816, eff.

1 8-13-18; 100-1012, eff. 8-21-18; 100-1050, eff. 8-23-18;  
2 revised 10-24-18.)

3 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

4 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
5 Commission shall be of the following classes:

6 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
7 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
8 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
9 First Class Winemaker, Class 7. Second Class Winemaker, Class  
10 8. Limited Wine Manufacturer, Class 9. Class 1 Craft Distiller,  
11 Class 10. Class 2 Craft Distiller, Class 11. Class 1 Brewer,  
12 Class 12 ~~11~~. Class 2 Brewer,

13 (b) Distributor's license,

14 (c) Importing Distributor's license,

15 (d) Retailer's license,

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

17 (f) Railroad license,

18 (g) Boat license,

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

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

21 (j) Airplane license,

22 (k) Foreign importer's license,

23 (l) Broker's license,

24 (m) Non-resident dealer's license,

25 (n) Brew Pub license,

- 1 (o) Auction liquor license,
- 2 (p) Caterer retailer license,
- 3 (q) Special use permit license,
- 4 (r) Winery shipper's license,
- 5 (s) Craft distiller tasting permit,
- 6 (t) Brewer warehouse permit, ~~u~~
- 7 (u) Distilling pub license,
- 8 (v) Craft distiller warehouse permit.

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), is a holder of a first-class wine-maker's license  
16 and annually produces more than 25,000 gallons of its own wine  
17 and who distributes its wine to licensed retailers shall cease  
18 this practice on or before July 1, 2008 in compliance with  
19 Public Act 95-634.

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

1 than 25,000 gallons of its own wine and who distributes its  
2 wine to licensed retailers shall cease this practice on or  
3 before July 1, 2008 in compliance with Public Act 95-634.

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

8 Class 9. A class 1 craft distiller license, which may only  
9 be issued to a licensed distiller or licensed non-resident  
10 dealer, shall allow the manufacture of up to 50,000 gallons of  
11 spirits per year provided that the class 1 craft distiller  
12 licensee does not manufacture more than a combined 50,000  
13 gallons of spirits per year and is not a member of or  
14 affiliated with, directly or indirectly, a manufacturer that  
15 produces more than 50,000 gallons of spirits per year or any  
16 other alcoholic liquor. A class 1 craft distiller licensee may  
17 make sales and deliveries to importing distributors and  
18 distributors and to retail licensees in accordance with the  
19 conditions set forth in paragraph (19) of subsection (a) of  
20 Section 3-12 of this Act. However, the aggregate amount of  
21 spirits sold to non-licensees and sold or delivered to retail  
22 licensees may not exceed 5,000 gallons per year.

23 A class 1 craft distiller licensee may sell up to 5,000  
24 gallons of such spirits to non-licensees to the extent  
25 permitted by any exemption approved by the State Commission  
26 pursuant to Section 6-4 of this Act. A class 1 craft distiller

1 license holder may store such spirits at a non-contiguous  
2 licensed location, but at no time shall a class 1 craft  
3 distiller license holder directly or indirectly produce in the  
4 aggregate more than 50,000 gallons of spirits per year.

5 A class 1 craft distiller licensee may hold more than one  
6 class 1 craft distiller's license. However, a class 1 craft  
7 distiller that holds more than one class 1 craft distiller  
8 license shall not manufacture, in the aggregate, more than  
9 50,000 gallons of spirits by distillation per year and shall  
10 not sell, in the aggregate, more than 5,000 gallons of such  
11 spirits to non-licensees in accordance with an exemption  
12 approved by the State Commission pursuant to Section 6-4 of  
13 this Act.

14 Class 10. A class 2 craft distiller license, which may only  
15 be issued to a licensed distiller or licensed non-resident  
16 dealer, shall allow the manufacture of up to 100,000 gallons of  
17 spirits per year provided that the class 2 craft distiller  
18 licensee does not manufacture more than a combined 100,000  
19 gallons of spirits per year and is not a member of or  
20 affiliated with, directly or indirectly, a manufacturer that  
21 produces more than 100,000 gallons of spirits per year or any  
22 other alcoholic liquor. A class 2 craft distiller licensee may  
23 make sales and deliveries to importing distributors and  
24 distributors, but shall not make sales or deliveries to any  
25 other licensee. If the State Commission provides prior  
26 approval, a class 2 craft distiller licensee may annually

1 transfer up to 100,000 gallons of spirits manufactured by that  
2 class 2 craft distiller licensee to the premises of a licensed  
3 class 2 craft distiller wholly owned and operated by the same  
4 licensee. A class 2 craft distiller may transfer spirits to a  
5 distilling pub wholly owned and operated by the class 2 craft  
6 distiller subject to the following limitations and  
7 restrictions: (i) the transfer shall not annually exceed more  
8 than 5,000 gallons; (ii) the annual amount transferred shall  
9 reduce the distilling pub's annual permitted production limit;  
10 (iii) all spirits transferred shall be subject to Article VIII  
11 of this Act; (iv) a written record shall be maintained by the  
12 distiller and distilling pub specifying the amount, date of  
13 delivery, and receipt of the product by the distilling pub; and  
14 (v) the distilling pub shall be located no farther than 80  
15 miles from the class 2 craft distiller's licensed location.

16 A class 2 craft distiller shall, prior to transferring  
17 spirits to a distilling pub wholly owned by the class 2 craft  
18 distiller, furnish a written notice to the State Commission of  
19 intent to transfer spirits setting forth the name and address  
20 of the distilling pub and shall annually submit to the State  
21 Commission a verified report identifying the total gallons of  
22 spirits transferred to the distilling pub wholly owned by the  
23 class 2 craft distiller.

24 A class 2 craft distiller license holder may store such  
25 spirits at a non-contiguous licensed location, but at no time  
26 shall a class 2 craft distiller license holder directly or



1 indirectly produce in the aggregate more than 100,000 gallons  
2 of spirits per year.

3 ~~A craft distiller license shall allow the manufacture of up to~~  
4 ~~100,000 gallons of spirits by distillation per year and the~~  
5 ~~storage of such spirits. If a craft distiller licensee,~~  
6 ~~including a craft distiller licensee who holds more than one~~  
7 ~~craft distiller license, is not affiliated with any other~~  
8 ~~manufacturer of spirits, then the craft distiller licensee may~~  
9 ~~sell such spirits to distributors in this State and up to 2,500~~  
10 ~~gallons of such spirits to non licensees to the extent~~  
11 ~~permitted by any exemption approved by the Commission pursuant~~  
12 ~~to Section 6-4 of this Act. A craft distiller license holder~~  
13 ~~may store such spirits at a non-contiguous licensed location,~~  
14 ~~but at no time shall a craft distiller license holder directly~~  
15 ~~or indirectly produce in the aggregate more than 100,000~~  
16 ~~gallons of spirits per year.~~

17 ~~A craft distiller licensee may hold more than one craft~~  
18 ~~distiller's license. However, a craft distiller that holds more~~  
19 ~~than one craft distiller license shall not manufacture, in the~~  
20 ~~aggregate, more than 100,000 gallons of spirits by distillation~~  
21 ~~per year and shall not sell, in the aggregate, more than 2,500~~  
22 ~~gallons of such spirits to non licensees in accordance with an~~  
23 ~~exemption approved by the State Commission pursuant to Section~~  
24 ~~6-4 of this Act.~~

25 ~~Any craft distiller licensed under this Act who on July 28,~~  
26 ~~2010 (the effective date of Public Act 96-1367) was licensed as~~

1 ~~a distiller and manufactured no more spirits than permitted by~~  
2 ~~this Section shall not be required to pay the initial licensing~~  
3 ~~fee.~~

4 Class 11 ~~10~~. A class 1 brewer license, which may only be  
5 issued to a licensed brewer or licensed non-resident dealer,  
6 shall allow the manufacture of up to 930,000 gallons of beer  
7 per year provided that the class 1 brewer licensee does not  
8 manufacture more than a combined 930,000 gallons of beer per  
9 year and is not a member of or affiliated with, directly or  
10 indirectly, a manufacturer that produces more than 930,000  
11 gallons of beer per year or any other alcoholic liquor. A class  
12 1 brewer licensee may make sales and deliveries to importing  
13 distributors and distributors and to retail licensees in  
14 accordance with the conditions set forth in paragraph (18) of  
15 subsection (a) of Section 3-12 of this Act. If the State  
16 Commission provides prior approval, a class 1 brewer may  
17 annually transfer up to 930,000 gallons of beer manufactured by  
18 that class 1 brewer to the premises of a licensed class 1  
19 brewer wholly owned and operated by the same licensee.

20 Class 12 ~~11~~. A class 2 brewer license, which may only be  
21 issued to a licensed brewer or licensed non-resident dealer,  
22 shall allow the manufacture of up to 3,720,000 gallons of beer  
23 per year provided that the class 2 brewer licensee does not  
24 manufacture more than a combined 3,720,000 gallons of beer per  
25 year and is not a member of or affiliated with, directly or  
26 indirectly, a manufacturer that produces more than 3,720,000

1 gallons of beer per year or any other alcoholic liquor. A class  
2 brewer licensee may make sales and deliveries to importing  
3 distributors and distributors, but shall not make sales or  
4 deliveries to any other licensee. If the State Commission  
5 provides prior approval, a class 2 brewer licensee may annually  
6 transfer up to 3,720,000 gallons of beer manufactured by that  
7 class 2 brewer licensee to the premises of a licensed class 2  
8 brewer wholly owned and operated by the same licensee.

9 A class 2 brewer may transfer beer to a brew pub wholly  
10 owned and operated by the class 2 brewer subject to the  
11 following limitations and restrictions: (i) the transfer shall  
12 not annually exceed more than 31,000 gallons; (ii) the annual  
13 amount transferred shall reduce the brew pub's annual permitted  
14 production limit; (iii) all beer transferred shall be subject  
15 to Article VIII of this Act; (iv) a written record shall be  
16 maintained by the brewer and brew pub specifying the amount,  
17 date of delivery, and receipt of the product by the brew pub;  
18 and (v) the brew pub shall be located no farther than 80 miles  
19 from the class 2 brewer's licensed location.

20 A class 2 brewer shall, prior to transferring beer to a  
21 brew pub wholly owned by the class 2 brewer, furnish a written  
22 notice to the State Commission of intent to transfer beer  
23 setting forth the name and address of the brew pub and shall  
24 annually submit to the State Commission a verified report  
25 identifying the total gallons of beer transferred to the brew  
26 pub wholly owned by the class 2 brewer.

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

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

25           (b) A distributor's license shall allow the wholesale  
26 purchase and storage of alcoholic liquors and sale of alcoholic

1 liquors to licensees in this State and to persons without the  
2 State, as may be permitted by law, and the sale of beer, cider,  
3 or both beer and cider to brewers, class 1 brewers, and class 2  
4 brewers that, pursuant to subsection (e) of Section 6-4 of this  
5 Act, sell beer, cider, or both beer and cider to non-licensees  
6 at their breweries. No person licensed as a distributor shall  
7 be granted a non-resident dealer's license.

8 (c) An importing distributor's license may be issued to and  
9 held by those only who are duly licensed distributors, upon the  
10 filing of an application by a duly licensed distributor, with  
11 the Commission and the Commission shall, without the payment of  
12 any fee, immediately issue such importing distributor's  
13 license to the applicant, which shall allow the importation of  
14 alcoholic liquor by the licensee into this State from any point  
15 in the United States outside this State, and the purchase of  
16 alcoholic liquor in barrels, casks or other bulk containers and  
17 the bottling of such alcoholic liquors before resale thereof,  
18 but all bottles or containers so filled shall be sealed,  
19 labeled, stamped and otherwise made to comply with all  
20 provisions, rules and regulations governing manufacturers in  
21 the preparation and bottling of alcoholic liquors. The  
22 importing distributor's license shall permit such licensee to  
23 purchase alcoholic liquor from Illinois licensed non-resident  
24 dealers and foreign importers only. No person licensed as an  
25 importing distributor shall be granted a non-resident dealer's  
26 license.

1 (d) A retailer's license shall allow the licensee to sell  
2 and offer for sale at retail, only in the premises specified in  
3 the license, alcoholic liquor for use or consumption, but not  
4 for resale in any form. Nothing in Public Act 95-634 shall  
5 deny, limit, remove, or restrict the ability of a holder of a  
6 retailer's license to transfer, deliver, or ship alcoholic  
7 liquor to the purchaser for use or consumption subject to any  
8 applicable local law or ordinance. Any retail license issued to  
9 a manufacturer shall only permit the manufacturer to sell beer  
10 at retail on the premises actually occupied by the  
11 manufacturer. For the purpose of further describing the type of  
12 business conducted at a retail licensed premises, a retailer's  
13 licensee may be designated by the State Commission as (i) an on  
14 premise consumption retailer, (ii) an off premise sale  
15 retailer, or (iii) a combined on premise consumption and off  
16 premise sale retailer.

17 Notwithstanding any other provision of this subsection  
18 (d), a retail licensee may sell alcoholic liquors to a special  
19 event retailer licensee for resale to the extent permitted  
20 under subsection (e).

21 (e) A special event retailer's license (not-for-profit)  
22 shall permit the licensee to purchase alcoholic liquors from an  
23 Illinois licensed distributor (unless the licensee purchases  
24 less than \$500 of alcoholic liquors for the special event, in  
25 which case the licensee may purchase the alcoholic liquors from  
26 a licensed retailer) and shall allow the licensee to sell and

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

24 Nothing in this Act prohibits an Illinois licensed  
25 distributor from offering credit or a refund for unused,  
26 salable alcoholic liquors to a holder of a special event

1 retailer's license or ~~from~~ the special event retailer's  
2 licensee from accepting the credit or refund of alcoholic  
3 liquors at the conclusion of the event specified in the  
4 license.

5 (f) A railroad license shall permit the licensee to import  
6 alcoholic liquors into this State from any point in the United  
7 States outside this State and to store such alcoholic liquors  
8 in this State; to make wholesale purchases of alcoholic liquors  
9 directly from manufacturers, foreign importers, distributors  
10 and importing distributors from within or outside this State;  
11 and to store such alcoholic liquors in this State; provided  
12 that the above powers may be exercised only in connection with  
13 the importation, purchase or storage of alcoholic liquors to be  
14 sold or dispensed on a club, buffet, lounge or dining car  
15 operated on an electric, gas or steam railway in this State;  
16 and provided further, that railroad licensees exercising the  
17 above powers shall be subject to all provisions of Article VIII  
18 of this Act as applied to importing distributors. A railroad  
19 license shall also permit the licensee to sell or dispense  
20 alcoholic liquors on any club, buffet, lounge or dining car  
21 operated on an electric, gas or steam railway regularly  
22 operated by a common carrier in this State, but shall not  
23 permit the sale for resale of any alcoholic liquors to any  
24 licensee within this State. A license shall be obtained for  
25 each car in which such sales are made.

26 (g) A boat license shall allow the sale of alcoholic liquor



1 in individual drinks, on any passenger boat regularly operated  
 2 as a common carrier on navigable waters in this State or on any  
 3 riverboat operated under the Riverboat Gambling Act, which boat  
 4 or riverboat maintains a public dining room or restaurant  
 5 thereon.

6 (h) A non-beverage user's license shall allow the licensee  
 7 to purchase alcoholic liquor from a licensed manufacturer or  
 8 importing distributor, without the imposition of any tax upon  
 9 the business of such licensed manufacturer or importing  
 10 distributor as to such alcoholic liquor to be used by such  
 11 licensee solely for the non-beverage purposes set forth in  
 12 subsection (a) of Section 8-1 of this Act, and such licenses  
 13 shall be divided and classified and shall permit the purchase,  
 14 possession and use of limited and stated quantities of  
 15 alcoholic liquor as follows:

- 16 Class 1, not to exceed ..... 500 gallons
- 17 Class 2, not to exceed ..... 1,000 gallons
- 18 Class 3, not to exceed ..... 5,000 gallons
- 19 Class 4, not to exceed ..... 10,000 gallons
- 20 Class 5, not to exceed ..... 50,000 gallons

21 (i) A wine-maker's premises license shall allow a licensee  
 22 that concurrently holds a first-class wine-maker's license to  
 23 sell and offer for sale at retail in the premises specified in  
 24 such license not more than 50,000 gallons of the first-class  
 25 wine-maker's wine that is made at the first-class wine-maker's  
 26 licensed premises per year for use or consumption, but not for

1 resale in any form. A wine-maker's premises license shall allow  
2 a licensee who concurrently holds a second-class wine-maker's  
3 license to sell and offer for sale at retail in the premises  
4 specified in such license up to 100,000 gallons of the  
5 second-class wine-maker's wine that is made at the second-class  
6 wine-maker's licensed premises per year for use or consumption  
7 but not for resale in any form. A wine-maker's premises license  
8 shall allow a licensee that concurrently holds a first-class  
9 wine-maker's license or a second-class wine-maker's license to  
10 sell and offer for sale at retail at the premises specified in  
11 the wine-maker's premises license, for use or consumption but  
12 not for resale in any form, any beer, wine, and spirits  
13 purchased from a licensed distributor. Upon approval from the  
14 State Commission, a wine-maker's premises license shall allow  
15 the licensee to sell and offer for sale at (i) the wine-maker's  
16 licensed premises and (ii) at up to 2 additional locations for  
17 use and consumption and not for resale. Each location shall  
18 require additional licensing per location as specified in  
19 Section 5-3 of this Act. A wine-maker's premises licensee shall  
20 secure liquor liability insurance coverage in an amount at  
21 least equal to the maximum liability amounts set forth in  
22 subsection (a) of Section 6-21 of this Act.

23 (j) An airplane license shall permit the licensee to import  
24 alcoholic liquors into this State from any point in the United  
25 States outside this State and to store such alcoholic liquors  
26 in this State; to make wholesale purchases of alcoholic liquors

1 directly from manufacturers, foreign importers, distributors  
2 and importing distributors from within or outside this State;  
3 and to store such alcoholic liquors in this State; provided  
4 that the above powers may be exercised only in connection with  
5 the importation, purchase or storage of alcoholic liquors to be  
6 sold or dispensed on an airplane; and provided further, that  
7 airplane licensees exercising the above powers shall be subject  
8 to all provisions of Article VIII of this Act as applied to  
9 importing distributors. An airplane licensee shall also permit  
10 the sale or dispensing of alcoholic liquors on any passenger  
11 airplane regularly operated by a common carrier in this State,  
12 but shall not permit the sale for resale of any alcoholic  
13 liquors to any licensee within this State. A single airplane  
14 license shall be required of an airline company if liquor  
15 service is provided on board aircraft in this State. The annual  
16 fee for such license shall be as determined in Section 5-3.

17 (k) A foreign importer's license shall permit such licensee  
18 to purchase alcoholic liquor from Illinois licensed  
19 non-resident dealers only, and to import alcoholic liquor other  
20 than in bulk from any point outside the United States and to  
21 sell such alcoholic liquor to Illinois licensed importing  
22 distributors and to no one else in Illinois; provided that (i)  
23 the foreign importer registers with the State Commission every  
24 brand of alcoholic liquor that it proposes to sell to Illinois  
25 licensees during the license period, (ii) the foreign importer  
26 complies with all of the provisions of Section 6-9 of this Act

1 with respect to registration of such Illinois licensees as may  
2 be granted the right to sell such brands at wholesale, and  
3 (iii) the foreign importer complies with the provisions of  
4 Sections 6-5 and 6-6 of this Act to the same extent that these  
5 provisions apply to manufacturers.

6 (1) (i) A broker's license shall be required of all persons  
7 who solicit orders for, offer to sell or offer to supply  
8 alcoholic liquor to retailers in the State of Illinois, or who  
9 offer to retailers to ship or cause to be shipped or to make  
10 contact with distillers, rectifiers, brewers or manufacturers  
11 or any other party within or without the State of Illinois in  
12 order that alcoholic liquors be shipped to a distributor,  
13 importing distributor or foreign importer, whether such  
14 solicitation or offer is consummated within or without the  
15 State of Illinois.

16 No holder of a retailer's license issued by the Illinois  
17 Liquor Control Commission shall purchase or receive any  
18 alcoholic liquor, the order for which was solicited or offered  
19 for sale to such retailer by a broker unless the broker is the  
20 holder of a valid broker's license.

21 The broker shall, upon the acceptance by a retailer of the  
22 broker's solicitation of an order or offer to sell or supply or  
23 deliver or have delivered alcoholic liquors, promptly forward  
24 to the Illinois Liquor Control Commission a notification of  
25 said transaction in such form as the Commission may by  
26 regulations prescribe.

1           (ii) A broker's license shall be required of a person  
2 within this State, other than a retail licensee, who, for a fee  
3 or commission, promotes, solicits, or accepts orders for  
4 alcoholic liquor, for use or consumption and not for resale, to  
5 be shipped from this State and delivered to residents outside  
6 of this State by an express company, common carrier, or  
7 contract carrier. This Section does not apply to any person who  
8 promotes, solicits, or accepts orders for wine as specifically  
9 authorized in Section 6-29 of this Act.

10           A broker's license under this subsection (1) shall not  
11 entitle the holder to buy or sell any alcoholic liquors for his  
12 own account or to take or deliver title to such alcoholic  
13 liquors.

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

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

23           (m) A non-resident dealer's license shall permit such  
24 licensee to ship into and warehouse alcoholic liquor into this  
25 State from any point outside of this State, and to sell such  
26 alcoholic liquor to Illinois licensed foreign importers and

1 importing distributors and to no one else in this State;  
2 provided that (i) said non-resident dealer shall register with  
3 the Illinois Liquor Control Commission each and every brand of  
4 alcoholic liquor which it proposes to sell to Illinois  
5 licensees during the license period, (ii) it shall comply with  
6 all of the provisions of Section 6-9 hereof with respect to  
7 registration of such Illinois licensees as may be granted the  
8 right to sell such brands at wholesale by duly filing such  
9 registration statement, thereby authorizing the non-resident  
10 dealer to proceed to sell such brands at wholesale, and (iii)  
11 the non-resident dealer shall comply with the provisions of  
12 Sections 6-5 and 6-6 of this Act to the same extent that these  
13 provisions apply to manufacturers. No person licensed as a  
14 non-resident dealer shall be granted a distributor's or  
15 importing distributor's license.

16 (n) A brew pub license shall allow the licensee to only (i)  
17 manufacture up to 155,000 gallons of beer per year only on the  
18 premises specified in the license, (ii) make sales of the beer  
19 manufactured on the premises or, with the approval of the  
20 Commission, beer manufactured on another brew pub licensed  
21 premises that is wholly owned and operated by the same licensee  
22 to importing distributors, distributors, and to non-licensees  
23 for use and consumption, (iii) store the beer upon the  
24 premises, (iv) sell and offer for sale at retail from the  
25 licensed premises for off-premises consumption no more than  
26 155,000 gallons per year so long as such sales are only made

1 in-person, (v) sell and offer for sale at retail for use and  
2 consumption on the premises specified in the license any form  
3 of alcoholic liquor purchased from a licensed distributor or  
4 importing distributor, and (vi) with the prior approval of the  
5 Commission, annually transfer no more than 155,000 gallons of  
6 beer manufactured on the premises to a licensed brew pub wholly  
7 owned and operated by the same licensee.

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

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

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

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

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

14 (p) An auction liquor license shall allow the licensee to  
15 sell and offer for sale at auction wine and spirits for use or  
16 consumption, or for resale by an Illinois liquor licensee in  
17 accordance with provisions of this Act. An auction liquor  
18 license will be issued to a person and it will permit the  
19 auction liquor licensee to hold the auction anywhere in the  
20 State. An auction liquor license must be obtained for each  
21 auction at least 14 days in advance of the auction date.

22 (q) A special use permit license shall allow an Illinois  
23 licensed retailer to transfer a portion of its alcoholic liquor  
24 inventory from its retail licensed premises to the premises  
25 specified in the license hereby created, and to sell or offer  
26 for sale at retail, only in the premises specified in the



1 license hereby created, the transferred alcoholic liquor for  
2 use or consumption, but not for resale in any form. A special  
3 use permit license may be granted for the following time  
4 periods: one day or less; 2 or more days to a maximum of 15 days  
5 per location in any 12-month period. An applicant for the  
6 special use permit license must also submit with the  
7 application proof satisfactory to the State Commission that the  
8 applicant will provide dram shop liability insurance to the  
9 maximum limits and have local authority approval.

10 (r) A winery shipper's license shall allow a person with a  
11 first-class or second-class wine manufacturer's license, a  
12 first-class or second-class wine-maker's license, or a limited  
13 wine manufacturer's license or who is licensed to make wine  
14 under the laws of another state to ship wine made by that  
15 licensee directly to a resident of this State who is 21 years  
16 of age or older for that resident's personal use and not for  
17 resale. Prior to receiving a winery shipper's license, an  
18 applicant for the license must provide the Commission with a  
19 true copy of its current license in any state in which it is  
20 licensed as a manufacturer of wine. An applicant for a winery  
21 shipper's license must also complete an application form that  
22 provides any other information the Commission deems necessary.  
23 The application form shall include all addresses from which the  
24 applicant for a winery shipper's license intends to ship wine,  
25 including the name and address of any third party, except for a  
26 common carrier, authorized to ship wine on behalf of the

1 manufacturer. The application form shall include an  
2 acknowledgement consenting to the jurisdiction of the  
3 Commission, the Illinois Department of Revenue, and the courts  
4 of this State concerning the enforcement of this Act and any  
5 related laws, rules, and regulations, including authorizing  
6 the Department of Revenue and the Commission to conduct audits  
7 for the purpose of ensuring compliance with Public Act 95-634,  
8 and an acknowledgement that the wine manufacturer is in  
9 compliance with Section 6-2 of this Act. Any third party,  
10 except for a common carrier, authorized to ship wine on behalf  
11 of a first-class or second-class wine manufacturer's licensee,  
12 a first-class or second-class wine-maker's licensee, a limited  
13 wine manufacturer's licensee, or a person who is licensed to  
14 make wine under the laws of another state shall also be  
15 disclosed by the winery shipper's licensee, and a copy of the  
16 written appointment of the third-party wine provider, except  
17 for a common carrier, to the wine manufacturer shall be filed  
18 with the State Commission as a supplement to the winery  
19 shipper's license application or any renewal thereof. The  
20 winery shipper's license holder shall affirm under penalty of  
21 perjury, as part of the winery shipper's license application or  
22 renewal, that he or she only ships wine, either directly or  
23 indirectly through a third-party provider, from the licensee's  
24 own production.

25 Except for a common carrier, a third-party provider  
26 shipping wine on behalf of a winery shipper's license holder is

1 the agent of the winery shipper's license holder and, as such,  
2 a winery shipper's license holder is responsible for the acts  
3 and omissions of the third-party provider acting on behalf of  
4 the license holder. A third-party provider, except for a common  
5 carrier, that engages in shipping wine into Illinois on behalf  
6 of a winery shipper's license holder shall consent to the  
7 jurisdiction of the State Commission and the State. Any  
8 third-party, except for a common carrier, holding such an  
9 appointment shall, by February 1 of each calendar year and upon  
10 request by the State Commission or the Department of Revenue,  
11 file with the State Commission a statement detailing each  
12 shipment made to an Illinois resident. The statement shall  
13 include the name and address of the third-party provider filing  
14 the statement, the time period covered by the statement, and  
15 the following information:

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

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

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

20 If the Department of Revenue or the State Commission requests a  
21 statement under this paragraph, the third-party provider must  
22 provide that statement no later than 30 days after the request  
23 is made. Any books, records, supporting papers, and documents  
24 containing information and data relating to a statement under  
25 this paragraph shall be kept and preserved for a period of 3  
26 years, unless their destruction sooner is authorized, in

1 writing, by the Director of Revenue, and shall be open and  
2 available to inspection by the Director of Revenue or the State  
3 Commission or any duly authorized officer, agent, or employee  
4 of the State Commission or the Department of Revenue, at all  
5 times during business hours of the day. Any person who violates  
6 any provision of this paragraph or any rule of the State  
7 Commission for the administration and enforcement of the  
8 provisions of this paragraph is guilty of a Class C  
9 misdemeanor. In case of a continuing violation, each day's  
10 continuance thereof shall be a separate and distinct offense.

11 The State Commission shall adopt rules as soon as  
12 practicable to implement the requirements of Public Act 99-904  
13 and shall adopt rules prohibiting any such third-party  
14 appointment of a third-party provider, except for a common  
15 carrier, that has been deemed by the State Commission to have  
16 violated the provisions of this Act with regard to any winery  
17 shipper licensee.

18 A winery shipper licensee must pay to the Department of  
19 Revenue the State liquor gallonage tax under Section 8-1 for  
20 all wine that is sold by the licensee and shipped to a person  
21 in this State. For the purposes of Section 8-1, a winery  
22 shipper licensee shall be taxed in the same manner as a  
23 manufacturer of wine. A licensee who is not otherwise required  
24 to register under the Retailers' Occupation Tax Act must  
25 register under the Use Tax Act to collect and remit use tax to  
26 the Department of Revenue for all gallons of wine that are sold

1 by the licensee and shipped to persons in this State. If a  
2 licensee fails to remit the tax imposed under this Act in  
3 accordance with the provisions of Article VIII of this Act, the  
4 winery shipper's license shall be revoked in accordance with  
5 the provisions of Article VII of this Act. If a licensee fails  
6 to properly register and remit tax under the Use Tax Act or the  
7 Retailers' Occupation Tax Act for all wine that is sold by the  
8 winery shipper and shipped to persons in this State, the winery  
9 shipper's license shall be revoked in accordance with the  
10 provisions of Article VII of this Act.

11 A winery shipper licensee must collect, maintain, and  
12 submit to the Commission on a semi-annual basis the total  
13 number of cases per resident of wine shipped to residents of  
14 this State. A winery shipper licensed under this subsection (r)  
15 must comply with the requirements of Section 6-29 of this Act.

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

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

25 (s) A craft distiller tasting permit license shall allow an  
26 Illinois licensed class 1 craft distiller or class 2 craft

1 distiller to transfer a portion of its alcoholic liquor  
2 inventory from its class 1 craft distiller or class 2 craft  
3 distiller licensed premises to the premises specified in the  
4 license hereby created and to conduct a sampling, only in the  
5 premises specified in the license hereby created, of the  
6 transferred alcoholic liquor in accordance with subsection (c)  
7 of Section 6-31 of this Act. The transferred alcoholic liquor  
8 may not be sold or resold in any form. An applicant for the  
9 craft distiller tasting permit license must also submit with  
10 the application proof satisfactory to the State Commission that  
11 the applicant will provide dram shop liability insurance to the  
12 maximum limits and have local authority approval.

13 (t) A brewer warehouse permit may be issued to the holder  
14 of a class 1 brewer license or a class 2 brewer license. If the  
15 holder of the permit is a class 1 brewer licensee, the brewer  
16 warehouse permit shall allow the holder to store or warehouse  
17 up to 930,000 gallons of tax-determined beer manufactured by  
18 the holder of the permit at the premises specified on the  
19 permit. If the holder of the permit is a class 2 brewer  
20 licensee, the brewer warehouse permit shall allow the holder to  
21 store or warehouse up to 3,720,000 gallons of tax-determined  
22 beer 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 brewer warehouse permit.

25 (u) A distilling pub license shall allow the licensee to  
26 only (i) manufacture up to 5,000 gallons of spirits per year

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

18 A distilling pub licensee shall not under any circumstance  
19 sell or offer for sale spirits manufactured by the distilling  
20 pub licensee to retail licensees.

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

1 manufacture more than a combined 100,000 gallons of spirits per  
2 year, including the spirits manufactured at the distilling pub;  
3 and (iv) is not a member of or affiliated with, directly or  
4 indirectly, a manufacturer that produces more than 100,000  
5 gallons of spirits per year or any other alcoholic liquor.

6 (v) A craft distiller warehouse permit may be issued to the  
7 holder of a craft distiller premises license. The craft  
8 distiller warehouse permit shall allow the holder to store or  
9 warehouse up to 500,000 gallons of spirits manufactured by the  
10 holder of the permit at the premises specified on the permit.  
11 Sales to non-licensees are prohibited at the premises specified  
12 in the craft distiller warehouse permit.

13 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;  
14 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.  
15 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,  
16 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;  
17 revised 10-2-18.)

18 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

19 Sec. 5-3. License fees. Except as otherwise provided  
20 herein, at the time application is made to the State Commission  
21 for a license of any class, the applicant shall pay to the  
22 State Commission the fee hereinafter provided for the kind of  
23 license applied for.

24 The fee for licenses issued by the State Commission shall  
25 be as follows:



1		Online	Initial
2		renewal	license
3			or
4			non-online
5			renewal
6	For a manufacturer's license:		
7	Class 1. Distiller .....	\$4,000	\$5,000
8	Class 2. Rectifier .....	4,000	5,000
9	Class 3. Brewer .....	1,200	1,500
10	Class 4. First-class Wine		
11	Manufacturer .....	750	900
12	Class 5. Second-class		
13	Wine Manufacturer.....	1,500	1,750
14	Class 6. First-class wine-maker ....	750	900
15	Class 7. Second-class wine-maker ..	1,500	1,750
16	Class 8. Limited Wine		
17	Manufacturer .....	250	350
18	Class 9. <u>Class 1</u> Craft Distiller ..	<u>50</u>	<u>75</u>
19	<u>Class 10. Class 2</u> Craft Distiller ..	<u>75</u>	<u>100</u>
20	Class <u>11</u> <del>10</del> . Class 1 Brewer .....	50	75
21	Class <u>12</u> <del>11</del> . Class 2 Brewer .....	75	100
22	For a Brew Pub License .....	1,200	1,500
23	<u>For a Distilling Pub License</u> .....	<u>1,200</u>	<u>1,500</u>
24	For a caterer retailer's license ..	350	500
25	For a foreign importer's license ..	25	25
26	For an importing distributor's		

1	license.....	25	25
2	For a distributor's license		
3	(11,250,000 gallons		
4	or over) .....	1,450	2,200
5	For a distributor's license		
6	(over 4,500,000 gallons, but		
7	under 11,250,000 gallons) .....	950	1,450
8	For a distributor's license		
9	(4,500,000 gallons or under) ..	300	450
10	For a non-resident dealer's license		
11	(500,000 gallons or over) .....	1,200	1,500
12	For a non-resident dealer's license		
13	(under 500,000 gallons) .....	250	350
14	For a wine-maker's premises		
15	license.....	250	500
16	For a winery shipper's license		
17	(under 250,000 gallons) .....	200	350
18	For a winery shipper's license		
19	(250,000 or over, but		
20	under 500,000 gallons) .....	750	1,000
21	For a winery shipper's license		
22	(500,000 gallons or over) .....	1,200	1,500
23	For a wine-maker's premises license,		
24	second location.....	500	1,000
25	For a wine-maker's premises license,		
26	third location .....	500	1,000

1	For a retailer's license .....	600	750
2	For a special event retailer's		
3	license, (not-for-profit).....	25	25
4	For a special use permit license,		
5	one day only .....	100	150
6	2 days or more .....	150	250
7	For a railroad license .....	100	150
8	For a boat license .....	500	1,000
9	For an airplane license, times the		
10	licensee's maximum number of		
11	aircraft in flight, serving		
12	liquor over the State at any		
13	given time, which either		
14	originate, terminate, or make		
15	an intermediate stop in		
16	the State .....	100	150
17	For a non-beverage user's license:		
18	Class 1 .....	24	24
19	Class 2 .....	60	60
20	Class 3 .....	120	120
21	Class 4 .....	240	240
22	Class 5 .....	600	600
23	For a broker's license .....	750	1,000
24	For an auction liquor license .....	100	150
25	For a homebrewer special		
26	event permit .....	25	25

1	For a craft distiller		
2	tasting permit .....	25	25
3	For a BASSET trainer license .....	300	350
4	For a tasting representative		
5	license.....	200	300
6	For a brewer warehouse permit .....	25	25
7	<u>For a craft distiller</u>		
8	<u>warehouse permit .....</u>	<u>25</u>	<u>25</u>

9 Fees collected under this Section shall be paid into the  
 10 Dram Shop Fund. On and after July 1, 2003 and until June 30,  
 11 2016, of the funds received for a retailer's license, in  
 12 addition to the first \$175, an additional \$75 shall be paid  
 13 into the Dram Shop Fund, and \$250 shall be paid into the  
 14 General Revenue Fund. On and after June 30, 2016, one-half of  
 15 the funds received for a retailer's license shall be paid into  
 16 the Dram Shop Fund and one-half of the funds received for a  
 17 retailer's license shall be paid into the General Revenue Fund.  
 18 Beginning June 30, 1990 and on June 30 of each subsequent year  
 19 through June 29, 2003, any balance over \$5,000,000 remaining in  
 20 the Dram Shop Fund shall be credited to State liquor licensees  
 21 and applied against their fees for State liquor licenses for  
 22 the following year. The amount credited to each licensee shall  
 23 be a proportion of the balance in the Dram Fund that is the  
 24 same as the proportion of the license fee paid by the licensee  
 25 under this Section for the period in which the balance was  
 26 accumulated to the aggregate fees paid by all licensees during

1 that period.

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

4 (a) Hospitals, sanitariums, or clinics when their use  
5 of alcoholic liquor is exclusively medicinal, mechanical  
6 or scientific.

7 (b) Universities, colleges of learning or schools when  
8 their use of alcoholic liquor is exclusively medicinal,  
9 mechanical or scientific.

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

12 (Source: P.A. 99-448, eff. 8-24-15; 99-902, eff. 8-26-16;  
13 99-904, eff. 8-26-16; 100-201, eff. 8-18-17; 100-816, eff.  
14 8-13-18.)

15 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

16 Sec. 6-4. (a) No person licensed by any licensing authority  
17 as a distiller, or a wine manufacturer, or any subsidiary or  
18 affiliate thereof, or any officer, associate, member, partner,  
19 representative, employee, agent or shareholder owning more  
20 than 5% of the outstanding shares of such person shall be  
21 issued an importing distributor's or distributor's license,  
22 nor shall any person licensed by any licensing authority as an  
23 importing distributor, distributor or retailer, or any  
24 subsidiary or affiliate thereof, or any officer or associate,  
25 member, partner, representative, employee, agent or

1 shareholder owning more than 5% of the outstanding shares of  
2 such person be issued a distiller's license, a craft  
3 distiller's license, or a wine manufacturer's license; and no  
4 person or persons licensed as a distiller, ~~or~~ class 1 craft  
5 distiller, or class 2 craft distiller by any licensing  
6 authority shall have any interest, directly or indirectly, with  
7 such distributor or importing distributor.

8 However, an importing distributor or distributor, which on  
9 January 1, 1985 is owned by a brewer, or any subsidiary or  
10 affiliate thereof or any officer, associate, member, partner,  
11 representative, employee, agent or shareholder owning more  
12 than 5% of the outstanding shares of the importing distributor  
13 or distributor referred to in this paragraph, may own or  
14 acquire an ownership interest of more than 5% of the  
15 outstanding shares of a wine manufacturer and be issued a wine  
16 manufacturer's license by any licensing authority.

17 (b) The foregoing provisions shall not apply to any person  
18 licensed by any licensing authority as a distiller or wine  
19 manufacturer, or to any subsidiary or affiliate of any  
20 distiller or wine manufacturer who shall have been heretofore  
21 licensed by the State Commission as either an importing  
22 distributor or distributor during the annual licensing period  
23 expiring June 30, 1947, and shall actually have made sales  
24 regularly to retailers.

25 (c) Provided, however, that in such instances where a  
26 distributor's or importing distributor's license has been

1 issued to any distiller or wine manufacturer or to any  
2 subsidiary or affiliate of any distiller or wine manufacturer  
3 who has, during the licensing period ending June 30, 1947, sold  
4 or distributed as such licensed distributor or importing  
5 distributor alcoholic liquors and wines to retailers, such  
6 distiller or wine manufacturer or any subsidiary or affiliate  
7 of any distiller or wine manufacturer holding such  
8 distributor's or importing distributor's license may continue  
9 to sell or distribute to retailers such alcoholic liquors and  
10 wines which are manufactured, distilled, processed or marketed  
11 by distillers and wine manufacturers whose products it sold or  
12 distributed to retailers during the whole or any part of its  
13 licensing periods; and such additional brands and additional  
14 products may be added to the line of such distributor or  
15 importing distributor, provided, that such brands and such  
16 products were not sold or distributed by any distributor or  
17 importing distributor licensed by the State Commission during  
18 the licensing period ending June 30, 1947, but can not sell or  
19 distribute to retailers any other alcoholic liquors or wines.

20 (d) It shall be unlawful for any distiller licensed  
21 anywhere to have any stock ownership or interest in any  
22 distributor's or importing distributor's license wherein any  
23 other person has an interest therein who is not a distiller and  
24 does not own more than 5% of any stock in any distillery.  
25 Nothing herein contained shall apply to such distillers or  
26 their subsidiaries or affiliates, who had a distributor's or

1 importing distributor's license during the licensing period  
2 ending June 30, 1947, which license was owned in whole by such  
3 distiller, or subsidiaries or affiliates of such distiller.

4 (e) Any person licensed as a brewer, class 1 brewer, or  
5 class 2 brewer shall be permitted to sell on the licensed  
6 premises to non-licensees for on or off-premises consumption  
7 for the premises in which he or she actually conducts such  
8 business: (i) beer manufactured by the brewer, class 1 brewer,  
9 or class 2 brewer; (ii) beer manufactured by any other brewer,  
10 class 1 brewer, or class 2 brewer; and (iii) cider. Such sales  
11 shall be limited to on-premises, in-person sales only, for  
12 lawful consumption on or off premises. Such authorization shall  
13 be considered a privilege granted by the brewer license and,  
14 other than a manufacturer of beer as stated above, no  
15 manufacturer or distributor or importing distributor,  
16 excluding airplane licensees exercising powers provided in  
17 paragraph (i) of Section 5-1 of this Act, or any subsidiary or  
18 affiliate thereof, or any officer, associate, member, partner,  
19 representative, employee or agent, or shareholder shall be  
20 issued a retailer's license, nor shall any person having a  
21 retailer's license, excluding airplane licensees exercising  
22 powers provided in paragraph (i) of Section 5-1 of this Act, or  
23 any subsidiary or affiliate thereof, or any officer, associate,  
24 member, partner, representative or agent, or shareholder be  
25 issued a manufacturer's license or importing distributor's  
26 license.



1           A manufacturer of beer that imports or transfers beer into  
2 this State must comply with Sections 6-8 and 8-1 of this Act.

3           A person who holds a class 1 or class 2 brewer license and  
4 is authorized by this Section to sell beer to non-licensees  
5 shall not sell beer to non-licensees from more than 3 total  
6 brewer or commonly owned brew pub licensed locations in this  
7 State. The class 1 or class 2 brewer shall designate to the  
8 State Commission the brewer or brew pub locations from which it  
9 will sell beer to non-licensees.

10           A person licensed as a class 1 craft distiller or a class 2  
11 craft distiller, including a person who holds more than one  
12 class 1 craft distiller or class 2 craft distiller license, not  
13 affiliated with any other person manufacturing spirits may be  
14 authorized by the State Commission to sell (1) up to 5,000  
15 ~~2,500~~ gallons of spirits produced by the person to  
16 non-licensees for on or off-premises consumption for the  
17 premises in which he or she actually conducts business  
18 permitting only the retail sale of spirits manufactured at such  
19 premises and (2) vermouth purchased through a licensed  
20 distributor for on-premises consumption. Such sales shall be  
21 limited to on-premises, in-person sales only, for lawful  
22 consumption on or off premises, and such authorization shall be  
23 considered a privilege granted by the class 1 craft distiller  
24 or class 2 craft distiller license. A class 1 craft distiller  
25 or class 2 craft distiller licensed for retail sale shall  
26 secure liquor liability insurance coverage in an amount at

1 least equal to the maximum liability amounts set forth in  
2 subsection (a) of Section 6-21 of this Act.

3 A class 1 craft distiller or class 2 craft distiller  
4 license holder shall not deliver any alcoholic liquor to any  
5 non-licensee off the licensed premises. A class 1 craft  
6 distiller or class 2 craft distiller shall affirm in its annual  
7 ~~craft distiller's~~ license application that it does not produce  
8 more than 50,000 or 100,000 gallons of distilled spirits  
9 annually, whichever is applicable, and that the craft distiller  
10 does not sell more than 5,000 ~~2,500~~ gallons of spirits to  
11 non-licensees for on or off-premises consumption. In the  
12 application, which shall be sworn under penalty of perjury, the  
13 class 1 craft distiller or class 2 craft distiller shall state  
14 the volume of production and sales for each year since the  
15 class 1 craft distiller's or class 2 craft distiller's  
16 establishment.

17 A person who holds a class 1 craft distiller or class 2  
18 craft distiller license and is authorized by this Section to  
19 sell spirits to non-licensees shall not sell spirits to  
20 non-licensees from more than 3 total distillery or commonly  
21 owned distilling pub licensed locations in this State. The  
22 class 1 craft distiller or class 2 craft distiller shall  
23 designate to the State Commission the distillery or distilling  
24 pub locations from which it will sell spirits to non-licensees.

25 (f) (Blank).

26 (g) Notwithstanding any of the foregoing prohibitions, a

1 limited wine manufacturer may sell at retail at its  
2 manufacturing site for on or off premises consumption and may  
3 sell to distributors. A limited wine manufacturer licensee  
4 shall secure liquor liability insurance coverage in an amount  
5 at least equal to the maximum liability amounts set forth in  
6 subsection (a) of Section 6-21 of this Act.

7 (h) The changes made to this Section by Public Act 99-47  
8 shall not diminish or impair the rights of any person, whether  
9 a distiller, wine manufacturer, agent, or affiliate thereof,  
10 who requested in writing and submitted documentation to the  
11 State Commission on or before February 18, 2015 to be approved  
12 for a retail license pursuant to what has heretofore been  
13 subsection (f); provided that, on or before that date, the  
14 State Commission considered the intent of that person to apply  
15 for the retail license under that subsection and, by recorded  
16 vote, the State Commission approved a resolution indicating  
17 that such a license application could be lawfully approved upon  
18 that person duly filing a formal application for a retail  
19 license and if that person, within 90 days of the State  
20 Commission appearance and recorded vote, first filed an  
21 application with the appropriate local commission, which  
22 application was subsequently approved by the appropriate local  
23 commission prior to consideration by the State Commission of  
24 that person's application for a retail license. It is further  
25 provided that the State Commission may approve the person's  
26 application for a retail license or renewals of such license if

1 such person continues to diligently adhere to all  
2 representations made in writing to the State Commission on or  
3 before February 18, 2015, or thereafter, or in the affidavit  
4 filed by that person with the State Commission to support the  
5 issuance of a retail license and to abide by all applicable  
6 laws and duly adopted rules.

7 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;  
8 99-642, eff. 7-28-16; 99-902, eff. 8-26-16; 100-201, eff.  
9 8-18-17; 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; revised  
10 10-24-18.)