



Sen. Michael E. Hastings

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LRB101 08863 RPS 60921 a

1 AMENDMENT TO HOUSE BILL 3610

2 AMENDMENT NO. _____. Amend House Bill 3610 as follows:

3 on page 1, line 5, by replacing "Section 5-1" with "Sections
4 5-1, 6-6, and 6-6.5"; and

5 on page 26, immediately below line 14, by inserting the
6 following:

7 "(235 ILCS 5/6-6) (from Ch. 43, par. 123)

8 Sec. 6-6. Except as otherwise provided in this Act no
9 manufacturer or distributor or importing distributor shall,
10 directly or indirectly, sell, supply, furnish, give or pay for,
11 or loan or lease, any furnishing, fixture or equipment on the
12 premises of a place of business of another licensee authorized
13 under this Act to sell alcoholic liquor at retail, either for
14 consumption on or off the premises, nor shall he or she,
15 directly or indirectly, pay for any such license, or advance,

1 furnish, lend or give money for payment of such license, or
2 purchase or become the owner of any note, mortgage, or other
3 evidence of indebtedness of such licensee or any form of
4 security therefor, nor shall such manufacturer, or
5 distributor, or importing distributor, directly or indirectly,
6 be interested in the ownership, conduct or operation of the
7 business of any licensee authorized to sell alcoholic liquor at
8 retail, nor shall any manufacturer, or distributor, or
9 importing distributor be interested directly or indirectly or
10 as owner or part owner of said premises or as lessee or lessor
11 thereof, in any premises upon which alcoholic liquor is sold at
12 retail.

13 No manufacturer or distributor or importing distributor
14 shall, directly or indirectly or through a subsidiary or
15 affiliate, or by any officer, director or firm of such
16 manufacturer, distributor or importing distributor, furnish,
17 give, lend or rent, install, repair or maintain, to or for any
18 retail licensee in this State, any signs or inside advertising
19 materials except as provided in this Section and Section 6-5.
20 With respect to retail licensees, other than any government
21 owned or operated auditorium, exhibition hall, recreation
22 facility or other similar facility holding a retailer's license
23 as described in Section 6-5, a manufacturer, distributor, or
24 importing distributor may furnish, give, lend or rent and
25 erect, install, repair and maintain to or for any retail
26 licensee, for use at any one time in or about or in connection

1 with a retail establishment on which the products of the
2 manufacturer, distributor or importing distributor are sold,
3 the following signs and inside advertising materials as
4 authorized in subparts (i), (ii), (iii), and (iv):

5 (i) Permanent outside signs shall cost not more than
6 \$3,000 per manufacturer, exclusive of erection,
7 installation, repair and maintenance costs, and permit
8 fees and shall bear only the manufacturer's name, brand
9 name, trade name, slogans, markings, trademark, or other
10 symbols commonly associated with and generally used in
11 identifying the product including, but not limited to,
12 "cold beer", "on tap", "carry out", and "packaged liquor".

13 (ii) Temporary outside signs shall include, but not be
14 limited to, banners, flags, pennants, streamers, and other
15 items of a temporary and non-permanent nature, and shall
16 cost not more than \$1,000 per manufacturer. Each temporary
17 outside sign must include the manufacturer's name, brand
18 name, trade name, slogans, markings, trademark, or other
19 symbol commonly associated with and generally used in
20 identifying the product. Temporary outside signs may also
21 include, for example, the product, price, packaging, date
22 or dates of a promotion and an announcement of a retail
23 licensee's specific sponsored event, if the temporary
24 outside sign is intended to promote a product, and provided
25 that the announcement of the retail licensee's event and
26 the product promotion are held simultaneously. However,

1 temporary outside signs may not include names, slogans,
2 markings, or logos that relate to the retailer. Nothing in
3 this subpart (ii) shall prohibit a distributor or importing
4 distributor from bearing the cost of creating or printing a
5 temporary outside sign for the retail licensee's specific
6 sponsored event or from bearing the cost of creating or
7 printing a temporary sign for a retail licensee containing,
8 for example, community goodwill expressions, regional
9 sporting event announcements, or seasonal messages,
10 provided that the primary purpose of the temporary outside
11 sign is to highlight, promote, or advertise the product. In
12 addition, temporary outside signs provided by the
13 manufacturer to the distributor or importing distributor
14 may also include, for example, subject to the limitations
15 of this Section, preprinted community goodwill
16 expressions, sporting event announcements, seasonal
17 messages, and manufacturer promotional announcements.
18 However, a distributor or importing distributor shall not
19 bear the cost of such manufacturer preprinted signs.

20 (iii) Permanent inside signs, whether visible from the
21 outside or the inside of the premises, include, but are not
22 limited to: alcohol lists and menus that may include names,
23 slogans, markings, or logos that relate to the retailer;
24 neons; illuminated signs; clocks; table lamps; mirrors;
25 tap handles; decalcomanias; window painting; and window
26 trim. All neons, illuminated signs, clocks, table lamps,

1 mirrors, and tap handles are the property of the
2 manufacturer and shall be returned to the manufacturer or
3 its agent upon request. All permanent inside signs in place
4 and in use at any one time shall cost in the aggregate not
5 more than \$6,000 per manufacturer. A permanent inside sign
6 must include the manufacturer's name, brand name, trade
7 name, slogans, markings, trademark, or other symbol
8 commonly associated with and generally used in identifying
9 the product. However, permanent inside signs may not
10 include names, slogans, markings, or logos that relate to
11 the retailer. For the purpose of this subpart (iii), all
12 permanent inside signs may be displayed in an adjacent
13 courtyard or patio commonly referred to as a "beer garden"
14 that is a part of the retailer's licensed premises.

15 (iv) Temporary inside signs shall include, but are not
16 limited to, lighted chalk boards, acrylic table tent
17 beverage or hors d'oeuvre list holders, banners, flags,
18 pennants, streamers, and inside advertising materials such
19 as posters, placards, bowling sheets, table tents, inserts
20 for acrylic table tent beverage or hors d'oeuvre list
21 holders, sports schedules, or similar printed or
22 illustrated materials and product displays, such as
23 display racks, bins, barrels, or similar items, the primary
24 function of which is to temporarily hold and display
25 alcoholic beverages; however, such items, for example, as
26 coasters, trays, napkins, glassware, growlers, crowlers,

1 and cups shall not be deemed to be inside signs or
2 advertising materials and may only be sold to retailers at
3 fair market value, which shall be no less than the cost of
4 the item to the manufacturer, distributor, or importing
5 distributor. All temporary inside signs and inside
6 advertising materials in place and in use at any one time
7 shall cost in the aggregate not more than \$1,000 per
8 manufacturer. Nothing in this subpart (iv) prohibits a
9 distributor or importing distributor from paying the cost
10 of printing or creating any temporary inside banner or
11 inserts for acrylic table tent beverage or hors d'oeuvre
12 list holders for a retail licensee, provided that the
13 primary purpose for the banner or insert is to highlight,
14 promote, or advertise the product. For the purpose of this
15 subpart (iv), all temporary inside signs and inside
16 advertising materials may be displayed in an adjacent
17 courtyard or patio commonly referred to as a "beer garden"
18 that is a part of the retailer's licensed premises.

19 The restrictions contained in this Section 6-6 do not apply
20 to signs, or promotional or advertising materials furnished by
21 manufacturers, distributors or importing distributors to a
22 government owned or operated facility holding a retailer's
23 license as described in Section 6-5.

24 No distributor or importing distributor shall directly or
25 indirectly or through a subsidiary or affiliate, or by any
26 officer, director or firm of such manufacturer, distributor or

1 importing distributor, furnish, give, lend or rent, install,
2 repair or maintain, to or for any retail licensee in this
3 State, any signs or inside advertising materials described in
4 subparts (i), (ii), (iii), or (iv) of this Section except as
5 the agent for or on behalf of a manufacturer, provided that the
6 total cost of any signs and inside advertising materials
7 including but not limited to labor, erection, installation and
8 permit fees shall be paid by the manufacturer whose product or
9 products said signs and inside advertising materials advertise
10 and except as follows:

11 A distributor or importing distributor may purchase from or
12 enter into a written agreement with a manufacturer or a
13 manufacturer's designated supplier and such manufacturer or
14 the manufacturer's designated supplier may sell or enter into
15 an agreement to sell to a distributor or importing distributor
16 permitted signs and advertising materials described in
17 subparts (ii), (iii), or (iv) of this Section for the purpose
18 of furnishing, giving, lending, renting, installing,
19 repairing, or maintaining such signs or advertising materials
20 to or for any retail licensee in this State. Any purchase by a
21 distributor or importing distributor from a manufacturer or a
22 manufacturer's designated supplier shall be voluntary and the
23 manufacturer may not require the distributor or the importing
24 distributor to purchase signs or advertising materials from the
25 manufacturer or the manufacturer's designated supplier.

26 A distributor or importing distributor shall be deemed the

1 owner of such signs or advertising materials purchased from a
2 manufacturer or a manufacturer's designated supplier.

3 The provisions of Public Act 90-373 concerning signs or
4 advertising materials delivered by a manufacturer to a
5 distributor or importing distributor shall apply only to signs
6 or advertising materials delivered on or after August 14, 1997.

7 A manufacturer, distributor, or importing distributor may
8 furnish free social media advertising to a retail licensee if
9 the social media advertisement does not contain the retail
10 price of any alcoholic liquor and the social media
11 advertisement complies with any applicable rules or
12 regulations issued by the Alcohol and Tobacco Tax and Trade
13 Bureau of the United States Department of the Treasury. A
14 manufacturer, distributor, or importing distributor may list
15 the names of one or more unaffiliated retailers in the
16 advertisement of alcoholic liquor through social media.
17 Nothing in this Section shall prohibit a retailer from
18 communicating with a manufacturer, distributor, or importing
19 distributor on social media or sharing media on the social
20 media of a manufacturer, distributor, or importing
21 distributor. A retailer may request free social media
22 advertising from a manufacturer, distributor, or importing
23 distributor. Nothing in this Section shall prohibit a
24 manufacturer, distributor, or importing distributor from
25 sharing, reposting, or otherwise forwarding a social media post
26 by a retail licensee, so long as the sharing, reposting, or

1 forwarding of the social media post does not contain the retail
2 price of any alcoholic liquor. No manufacturer, distributor, or
3 importing distributor shall pay or reimburse a retailer,
4 directly or indirectly, for any social media advertising
5 services, except as specifically permitted in this Act. No
6 retailer shall accept any payment or reimbursement, directly or
7 indirectly, for any social media advertising services offered
8 by a manufacturer, distributor, or importing distributor,
9 except as specifically permitted in this Act. For the purposes
10 of this Section, "social media" means a service, platform, or
11 site where users communicate with one another and share media,
12 such as pictures, videos, music, and blogs, with other users
13 free of charge.

14 No person engaged in the business of manufacturing,
15 importing or distributing alcoholic liquors shall, directly or
16 indirectly, pay for, or advance, furnish, or lend money for the
17 payment of any license for another. Any licensee who shall
18 permit or assent, or be a party in any way to any violation or
19 infringement of the provisions of this Section shall be deemed
20 guilty of a violation of this Act, and any money loaned
21 contrary to a provision of this Act shall not be recovered
22 back, or any note, mortgage or other evidence of indebtedness,
23 or security, or any lease or contract obtained or made contrary
24 to this Act shall be unenforceable and void.

25 This Section shall not apply to airplane licensees
26 exercising powers provided in paragraph (i) of Section 5-1 of

1 this Act.

2 (Source: P.A. 99-448, eff. 8-24-15; 100-885, eff. 8-14-18.)

3 (235 ILCS 5/6-6.5)

4 Sec. 6-6.5. Sanitation and use of growlers and crowlers.

5 (a) A manufacturer, distributor, or importing distributor
6 may not provide for free, but may sell coil cleaning services
7 and installation services, including labor costs, to a retail
8 licensee at fair market cost.

9 A manufacturer, distributor, or importing distributor may
10 not provide for free, but may sell dispensing accessories to
11 retail licensees at a price not less than the cost to the
12 manufacturer, distributor, or importing distributor who
13 initially purchased them. Dispensing accessories include, but
14 are not limited to, items such as standards, faucets, cold
15 plates, rods, vents, taps, tap standards, hoses, washers,
16 couplings, gas gauges, vent tongues, shanks, glycol draught
17 systems, pumps, and check valves.

18 Coil cleaning supplies consisting of detergents, cleaning
19 chemicals, brushes, or similar type cleaning devices may be
20 sold at a price not less than the cost to the manufacturer,
21 distributor, or importing distributor.

22 (a-5) A manufacturer of beer licensed under subsection (e)
23 of Section 6-4 or a brew pub may transfer any beer manufactured
24 or sold on its licensed premises to a growler or crowler and
25 sell those growlers or crowlers to non-licensees for

1 consumption off the premises. A manufacturer of beer under
2 subsection (e) of Section 6-4 or a brew pub is not subject to
3 subsection (b) of this Section.

4 (b) An on-premises retail licensee may transfer beer to a
5 growler or crowler, which is not an original manufacturer
6 container, but is a reusable rigid container that holds up to
7 128 fluid ounces of beer and is designed to be sealed on
8 premises by the licensee for off-premises consumption, if the
9 following requirements are met:

10 (1) the beer is transferred within the licensed
11 premises by an employee of the licensed premises at the
12 time of sale;

13 (2) the person transferring the alcohol to be sold to
14 the end consumer is 21 years of age or older;

15 (3) the growler or crowler holds no more than 128 fluid
16 ounces;

17 (4) the growler or crowler bears a twist-type closure,
18 cork, stopper, or plug and includes a one-time use
19 tamper-proof seal;

20 (5) the growler or crowler is affixed with a label or
21 tag that contains the following information:

22 (A) the brand name of the product dispensed;

23 (B) the name of the brewer or bottler;

24 (C) the type of product, such as beer, ale, lager,
25 bock, stout, or other brewed or fermented beverage;

26 (D) the net contents;

1 (E) the name and address of the business that
2 cleaned, sanitized, labeled, and filled or refilled
3 the growler or crowler; and

4 (F) the date the growler or crowler was filled or
5 refilled;

6 (5.5) the growler or crowler has been purged with CO₂
7 prior to sealing the container;

8 (6) the on-premises retail licensee complies with the
9 sanitation requirements under subsections (a) through (c)
10 of 11 Ill. Adm. Code 100.160 when sanitizing the dispensing
11 equipment used to draw beer to fill the growler or crowler
12 or refill the growler;

13 (7) before filling the growler or crowler or refilling
14 the growler, the on-premises retail licensee or licensee's
15 employee shall clean and sanitize the growler or crowler in
16 one of the following manners:

17 (A) By manual washing in a 3-compartment sink.

18 (i) Before sanitizing the growler or crowler,
19 the sinks and work area shall be cleaned to remove
20 any chemicals, oils, or grease from other cleaning
21 activities.

22 (ii) Any residual liquid from the growler
23 shall be emptied into a drain. A growler shall not
24 be emptied into the cleaning water.

25 (iii) The growler and cap shall be cleaned in
26 water and detergent. The water temperature shall

1 be, at a minimum, 110 degrees Fahrenheit or the
2 temperature specified on the cleaning agent
3 manufacturer's label instructions. The detergent
4 shall not be fat-based or oil-based.

5 (iv) Any residues on the interior and exterior
6 of the growler shall be removed.

7 (v) The growler and cap shall be rinsed with
8 water in the middle compartment. Rinsing may be
9 from the spigot with a spray arm, from a spigot, or
10 from a tub as long as the water for rinsing is not
11 stagnant but is continually refreshed.

12 (vi) The growler shall be sanitized in the
13 third compartment. Chemical sanitizer shall be
14 used in accordance with the United States
15 Environmental Protection Agency-registered label
16 use instructions and shall meet the minimum water
17 temperature requirements of that chemical.

18 (vii) A test kit or other device that
19 accurately measures the concentration in
20 milligrams per liter of chemical sanitizing
21 solutions shall be provided and be readily
22 accessible for use.

23 (B) By using a mechanical washing and sanitizing
24 machine.

25 (i) Mechanical washing and sanitizing machines
26 shall be provided with an easily accessible and

1 readable data plate affixed to the machine by the
2 manufacturer and shall be used according to the
3 machine's design and operation specifications.

4 (ii) Mechanical washing and sanitizing
5 machines shall be equipped with chemical or hot
6 water sanitization.

7 (iii) The concentration of the sanitizing
8 solution or the water temperature shall be
9 accurately determined by using a test kit or other
10 device.

11 (iv) The machine shall be regularly serviced
12 based upon the manufacturer's or installer's
13 guidelines.

14 (C) By transferring beer to a growler or crowler
15 with a tube.

16 (i) Beer may be transferred to a growler or
17 crowler from the bottom of the growler or crowler
18 to the top with a tube that is attached to the tap
19 and extends to the bottom of the growler or crowler
20 or with a commercial filling machine.

21 (ii) Food grade sanitizer shall be used in
22 accordance with the United States Environmental
23 Protection Agency-registered label use
24 instructions.

25 (iii) A container of liquid food grade
26 sanitizer shall be maintained for no more than 10

1 malt beverage taps that will be used for filling
2 growlers or crowlers and refilling growlers.

3 (iv) Each container shall contain no less than
4 5 tubes that will be used only for filling growlers
5 or crowlers and refilling growlers.

6 (v) The growler or crowler must be inspected
7 visually for contamination.

8 (vi) After each transfer of beer to a growler
9 or crowler, the tube shall be immersed in the
10 container with the liquid food grade sanitizer.

11 (vii) A different tube from the container must
12 be used for each fill of a growler or crowler or
13 refill of a growler.

14 (c) Growlers and crowlers that comply with items (4) and
15 (5) of subsection (b) shall not be deemed an unsealed container
16 for purposes of Section 11-502 of the Illinois Vehicle Code.

17 (d) Growlers and crowlers, as described and authorized
18 under this Section, are not original packages for the purposes
19 of this Act. Upon a consumer taking possession of a growler or
20 crowler from an on-premises retail licensee, the growler or
21 crowler and its contents are deemed to be in the sole custody,
22 control, and care of the consumer.

23 (Source: P.A. 90-432, eff. 1-1-98.)

24 Section 10. The Illinois Vehicle Code is amended by
25 changing Section 11-502 as follows:

1 (625 ILCS 5/11-502) (from Ch. 95 1/2, par. 11-502)

2 Sec. 11-502. Transportation or possession of alcoholic
3 liquor in a motor vehicle.

4 (a) Except as provided in paragraph (c) and in Sections
5 6-6.5 and 6-33 of the Liquor Control Act of 1934, no driver may
6 transport, carry, possess or have any alcoholic liquor within
7 the passenger area of any motor vehicle upon a highway in this
8 State except in the original container and with the seal
9 unbroken.

10 (b) Except as provided in paragraph (c) and in Sections
11 6-6.5 and 6-33 of the Liquor Control Act of 1934, no passenger
12 may carry, possess or have any alcoholic liquor within any
13 passenger area of any motor vehicle upon a highway in this
14 State except in the original container and with the seal
15 unbroken.

16 (c) This Section shall not apply to the passengers in a
17 limousine when it is being used for purposes for which a
18 limousine is ordinarily used, the passengers on a chartered bus
19 when it is being used for purposes for which chartered buses
20 are ordinarily used or on a motor home or mini motor home as
21 defined in Section 1-145.01 of this Code. However, the driver
22 of any such vehicle is prohibited from consuming or having any
23 alcoholic liquor in or about the driver's area. Any evidence of
24 alcoholic consumption by the driver shall be prima facie
25 evidence of such driver's failure to obey this Section. For the

1 purposes of this Section, a limousine is a motor vehicle of the
2 first division with the passenger compartment enclosed by a
3 partition or dividing window used in the for-hire
4 transportation of passengers and operated by an individual in
5 possession of a valid Illinois driver's license of the
6 appropriate classification pursuant to Section 6-104 of this
7 Code.

8 (d) (Blank).

9 (e) Any driver who is convicted of violating subsection (a)
10 of this Section for a second or subsequent time within one year
11 of a similar conviction shall be subject to suspension of
12 driving privileges as provided, in paragraph 23 of subsection
13 (a) of Section 6-206 of this Code.

14 (f) Any driver, who is less than 21 years of age at the
15 date of the offense and who is convicted of violating
16 subsection (a) of this Section or a similar provision of a
17 local ordinance, shall be subject to the loss of driving
18 privileges as provided in paragraph 13 of subsection (a) of
19 Section 6-205 of this Code and paragraph 33 of subsection (a)
20 of Section 6-206 of this Code.

21 (Source: P.A. 94-1047, eff. 1-1-07; 95-847, eff. 8-15-08.)".