

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 Section 5-1 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

9 (a) Manufacturer's license - Class 1. Distiller, Class 2.
10 Rectifier, Class 3. Brewer, Class 4. First Class Wine
11 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
12 First Class Winemaker, Class 7. Second Class Winemaker, Class
13 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class
14 10. Class 1 Craft Distiller, Class 11. Class 2 Craft Distiller,
15 Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,

16 (b) Distributor's license,

17 (c) Importing Distributor's license,

18 (d) Retailer's license,

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

20 (f) Railroad license,

21 (g) Boat license,

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

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

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

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

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

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

26 Class 2. A Rectifier, who is not a distiller, as defined

1 herein, may make sales and deliveries of alcoholic liquor to
2 rectifiers, importing distributors, distributors, retailers
3 and non-beverage users and to no other licensees.

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

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

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

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

25 Class 7. A second-class wine-maker's license shall allow
26 the manufacture of between 50,000 and 150,000 gallons of wine

1 per year, and the storage and sale of such wine to distributors
2 in this State and to persons without the State, as may be
3 permitted by law. A person who, prior to June 1, 2008 (the
4 effective date of Public Act 95-634), is a holder of a
5 second-class wine-maker's license and annually produces more
6 than 25,000 gallons of its own wine and who distributes its
7 wine to licensed retailers shall cease this practice on or
8 before July 1, 2008 in compliance with Public Act 95-634.

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

13 Class 9. A craft distiller license, which may only be held
14 by a class 1 craft distiller licensee or class 2 craft
15 distiller licensee but not held by both a class 1 craft
16 distiller licensee and a class 2 craft distiller licensee,
17 shall grant all rights conveyed by either: (i) a class 1 craft
18 distiller license if the craft distiller holds a class 1 craft
19 distiller license; or (ii) a class 2 craft distiller licensee
20 if the craft distiller holds a class 2 craft distiller license.

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

1 of or affiliated with, directly or indirectly, a manufacturer
2 that produces more than 50,000 gallons of spirits per year or
3 any other alcoholic liquor. A class 1 craft distiller licensee
4 may make sales and deliveries to importing distributors and
5 distributors and to retail licensees in accordance with the
6 conditions set forth in paragraph (19) of subsection (a) of
7 Section 3-12 of this Act. However, the aggregate amount of
8 spirits sold to non-licensees and sold or delivered to retail
9 licensees may not exceed 5,000 gallons per year.

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

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

1 Class 11. A class 2 craft distiller license, which may only
2 be issued to a licensed craft distiller or licensed
3 non-resident dealer, shall allow the manufacture of up to
4 100,000 gallons of spirits per year provided that the class 2
5 craft distiller licensee does not manufacture more than a
6 combined 100,000 gallons of spirits per year and is not a
7 member of or affiliated with, directly or indirectly, a
8 manufacturer that produces more than 100,000 gallons of spirits
9 per year or any other alcoholic liquor. A class 2 craft
10 distiller licensee may make sales and deliveries to importing
11 distributors and distributors, but shall not make sales or
12 deliveries to any other licensee. If the State Commission
13 provides prior approval, a class 2 craft distiller licensee may
14 annually transfer up to 100,000 gallons of spirits manufactured
15 by that class 2 craft distiller licensee to the premises of a
16 licensed class 2 craft distiller wholly owned and operated by
17 the same licensee. A class 2 craft distiller may transfer
18 spirits to a distilling pub wholly owned and operated by the
19 class 2 craft distiller subject to the following limitations
20 and restrictions: (i) the transfer shall not annually exceed
21 more than 5,000 gallons; (ii) the annual amount transferred
22 shall reduce the distilling pub's annual permitted production
23 limit; (iii) all spirits transferred shall be subject to
24 Article VIII of this Act; (iv) a written record shall be
25 maintained by the distiller and distilling pub specifying the
26 amount, date of delivery, and receipt of the product by the

1 distilling pub; and (v) the distilling pub shall be located no
2 farther than 80 miles from the class 2 craft distiller's
3 licensed location.

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

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

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

1 accordance with the conditions set forth in paragraph (18) of
2 subsection (a) of Section 3-12 of this Act. If the State
3 Commission provides prior approval, a class 1 brewer may
4 annually transfer up to 930,000 gallons of beer manufactured by
5 that class 1 brewer to the premises of a licensed class 1
6 brewer wholly owned and operated by the same licensee.

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

22 A class 2 brewer may transfer beer to a brew pub wholly
23 owned and operated by the class 2 brewer subject to the
24 following limitations and restrictions: (i) the transfer shall
25 not annually exceed more than 31,000 gallons; (ii) the annual
26 amount transferred shall reduce the brew pub's annual permitted

1 production limit; (iii) all beer transferred shall be subject
2 to Article VIII of this Act; (iv) a written record shall be
3 maintained by the brewer and brew pub specifying the amount,
4 date of delivery, and receipt of the product by the brew pub;
5 and (v) the brew pub shall be located no farther than 80 miles
6 from the class 2 brewer's licensed location.

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

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

21 Registration of agents, representatives, or persons acting
22 on behalf of a manufacturer is fulfilled by submitting a form
23 to the Commission. The form shall be developed by the
24 Commission and shall include the name and address of the
25 applicant, the name and address of the manufacturer he or she
26 represents, the territory or areas assigned to sell to or

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

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

25 (c) An importing distributor's license may be issued to and
26 held by those only who are duly licensed distributors, upon the

1 filing of an application by a duly licensed distributor, with
2 the Commission and the Commission shall, without the payment of
3 any fee, immediately issue such importing distributor's
4 license to the applicant, which shall allow the importation of
5 alcoholic liquor by the licensee into this State from any point
6 in the United States outside this State, and the purchase of
7 alcoholic liquor in barrels, casks or other bulk containers and
8 the bottling of such alcoholic liquors before resale thereof,
9 but all bottles or containers so filled shall be sealed,
10 labeled, stamped and otherwise made to comply with all
11 provisions, rules and regulations governing manufacturers in
12 the preparation and bottling of alcoholic liquors. The
13 importing distributor's license shall permit such licensee to
14 purchase alcoholic liquor from Illinois licensed non-resident
15 dealers and foreign importers only. No person licensed as an
16 importing distributor shall be granted a non-resident dealer's
17 license.

18 (d) A retailer's license shall allow the licensee to sell
19 and offer for sale at retail, only in the premises specified in
20 the license, alcoholic liquor for use or consumption, but not
21 for resale in any form. Except as provided in Section 6-16,
22 6-29, or 6-29.1, nothing in this Act ~~Nothing in Public Act~~
23 ~~95-634~~ shall deny, limit, remove, or restrict the ability of a
24 holder of a retailer's license to transfer, ~~deliver,~~ or ship
25 alcoholic liquor to the purchaser for use or consumption
26 subject to any applicable local law or ordinance. For the

1 purposes of this Section, "shipping" means the movement of
2 alcoholic liquor from a licensed retailer to a consumer via a
3 common carrier. Except as provided in Section 6-16, 6-29, or
4 6-29.1, nothing in this Act shall deny, limit, remove, or
5 restrict the ability of a holder of a retailer's license to
6 deliver alcoholic liquor to the purchaser for use or
7 consumption. The delivery shall be made only within 12 hours
8 from the time the alcoholic liquor leaves the licensed premises
9 of the retailer for delivery. For the purposes of this Section,
10 "delivery" means the movement of alcoholic liquor purchased
11 from a licensed retailer to a consumer through the following
12 methods:

13 (1) delivery within licensed retailer's parking lot,
14 including curbside, for pickup by the consumer;

15 (2) delivery by an owner, officer, director,
16 shareholder, or employee of the licensed retailer; or

17 (3) delivery by a third-party contractor, independent
18 contractor, or agent with whom the licensed retailer has
19 contracted to make deliveries of alcoholic liquors.

20 Under subsection (1), (2), or (3), delivery shall not
21 include the use of common carriers.

22 Any retail license issued to a manufacturer shall only
23 permit the manufacturer to sell beer at retail on the premises
24 actually occupied by the manufacturer. For the purpose of
25 further describing the type of business conducted at a retail
26 licensed premises, a retailer's licensee may be designated by

1 the State Commission as (i) an on premise consumption retailer,
2 (ii) an off premise sale retailer, or (iii) a combined on
3 premise consumption and off premise sale retailer.

4 Except for a municipality with a population of more than
5 1,000,000 inhabitants, a home rule unit may not regulate the
6 delivery of alcoholic liquor inconsistent with this
7 subsection. This paragraph is a limitation under subsection (i)
8 of Section 6 of Article VII of the Illinois Constitution on the
9 concurrent exercise by home rule units of powers and functions
10 exercised by the State.

11 Notwithstanding any other provision of this subsection
12 (d), a retail licensee may sell alcoholic liquors to a special
13 event retailer licensee for resale to the extent permitted
14 under subsection (e).

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

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

18 Nothing in this Act prohibits an Illinois licensed
19 distributor from offering credit or a refund for unused,
20 salable alcoholic liquors to a holder of a special event
21 retailer's license or the special event retailer's licensee
22 from accepting the credit or refund of alcoholic liquors at the
23 conclusion of the event specified in the license.

24 (f) A railroad license shall permit the licensee to import
25 alcoholic liquors into this State from any point in the United
26 States outside this State and to store such alcoholic liquors

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

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

25 (h) A non-beverage user's license shall allow the licensee
26 to purchase alcoholic liquor from a licensed manufacturer or

1 importing distributor, without the imposition of any tax upon
 2 the business of such licensed manufacturer or importing
 3 distributor as to such alcoholic liquor to be used by such
 4 licensee solely for the non-beverage purposes set forth in
 5 subsection (a) of Section 8-1 of this Act, and such licenses
 6 shall be divided and classified and shall permit the purchase,
 7 possession and use of limited and stated quantities of
 8 alcoholic liquor as follows:

- 9 Class 1, not to exceed 500 gallons
- 10 Class 2, not to exceed 1,000 gallons
- 11 Class 3, not to exceed 5,000 gallons
- 12 Class 4, not to exceed 10,000 gallons
- 13 Class 5, not to exceed 50,000 gallons

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

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

16 (j) An airplane license shall permit the licensee to import
17 alcoholic liquors into this State from any point in the United
18 States outside this State and to store such alcoholic liquors
19 in this State; to make wholesale purchases of alcoholic liquors
20 directly from manufacturers, foreign importers, distributors
21 and importing distributors from within or outside this State;
22 and to store such alcoholic liquors in this State; provided
23 that the above powers may be exercised only in connection with
24 the importation, purchase or storage of alcoholic liquors to be
25 sold or dispensed on an airplane; and provided further, that
26 airplane licensees exercising the above powers shall be subject

1 to all provisions of Article VIII of this Act as applied to
2 importing distributors. An airplane licensee shall also permit
3 the sale or dispensing of alcoholic liquors on any passenger
4 airplane regularly operated by a common carrier in this State,
5 but shall not permit the sale for resale of any alcoholic
6 liquors to any licensee within this State. A single airplane
7 license shall be required of an airline company if liquor
8 service is provided on board aircraft in this State. The annual
9 fee for such license shall be as determined in Section 5-3.

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

25 (l) (i) A broker's license shall be required of all persons
26 who solicit orders for, offer to sell or offer to supply

1 alcoholic liquor to retailers in the State of Illinois, or who
2 offer to retailers to ship or cause to be shipped or to make
3 contact with distillers, craft distillers, rectifiers, brewers
4 or manufacturers or any other party within or without the State
5 of Illinois in order that alcoholic liquors be shipped to a
6 distributor, importing distributor or foreign importer,
7 whether such solicitation or offer is consummated within or
8 without the State of Illinois.

9 No holder of a retailer's license issued by the Illinois
10 Liquor Control Commission shall purchase or receive any
11 alcoholic liquor, the order for which was solicited or offered
12 for sale to such retailer by a broker unless the broker is the
13 holder of a valid broker's license.

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

20 (ii) A broker's license shall be required of a person
21 within this State, other than a retail licensee, who, for a fee
22 or commission, promotes, solicits, or accepts orders for
23 alcoholic liquor, for use or consumption and not for resale, to
24 be shipped from this State and delivered to residents outside
25 of this State by an express company, common carrier, or
26 contract carrier. This Section does not apply to any person who

1 promotes, solicits, or accepts orders for wine as specifically
2 authorized in Section 6-29 of this Act.

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

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

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

16 (m) A non-resident dealer's license shall permit such
17 licensee to ship into and warehouse alcoholic liquor into this
18 State from any point outside of this State, and to sell such
19 alcoholic liquor to Illinois licensed foreign importers and
20 importing distributors and to no one else in this State;
21 provided that (i) said non-resident dealer shall register with
22 the Illinois Liquor Control Commission each and every brand of
23 alcoholic liquor which it proposes to sell to Illinois
24 licensees during the license period, (ii) it shall comply with
25 all of the provisions of Section 6-9 hereof with respect to
26 registration of such Illinois licensees as may be granted the

1 right to sell such brands at wholesale by duly filing such
2 registration statement, thereby authorizing the non-resident
3 dealer to proceed to sell such brands at wholesale, and (iii)
4 the non-resident dealer shall comply with the provisions of
5 Sections 6-5 and 6-6 of this Act to the same extent that these
6 provisions apply to manufacturers. No person licensed as a
7 non-resident dealer shall be granted a distributor's or
8 importing distributor's license.

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

1 notwithstanding item (i) of this subsection, brew pubs wholly
2 owned and operated by the same licensee may combine each
3 location's production limit of 155,000 gallons of beer per year
4 and allocate the aggregate total between the wholly owned,
5 operated, and licensed locations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (r) A winery shipper's license shall allow a person with a
22 first-class or second-class wine manufacturer's license, a
23 first-class or second-class wine-maker's license, or a limited
24 wine manufacturer's license or who is licensed to make wine
25 under the laws of another state to ship wine made by that
26 licensee directly to a resident of this State who is 21 years

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

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

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

- 1 (1) the name, address, and license number of the winery
- 2 shipper on whose behalf the shipment was made;
- 3 (2) the quantity of the products delivered; and
- 4 (3) the date and address of the shipment.

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

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

1 violated the provisions of this Act with regard to any winery
2 shipper licensee.

3 A winery shipper licensee must pay to the Department of
4 Revenue the State liquor gallonage tax under Section 8-1 for
5 all wine that is sold by the licensee and shipped to a person
6 in this State. For the purposes of Section 8-1, a winery
7 shipper licensee shall be taxed in the same manner as a
8 manufacturer of wine. A licensee who is not otherwise required
9 to register under the Retailers' Occupation Tax Act must
10 register under the Use Tax Act to collect and remit use tax to
11 the Department of Revenue for all gallons of wine that are sold
12 by the licensee and shipped to persons in this State. If a
13 licensee fails to remit the tax imposed under this Act in
14 accordance with the provisions of Article VIII of this Act, the
15 winery shipper's license shall be revoked in accordance with
16 the provisions of Article VII of this Act. If a licensee fails
17 to properly register and remit tax under the Use Tax Act or the
18 Retailers' Occupation Tax Act for all wine that is sold by the
19 winery shipper and shipped to persons in this State, the winery
20 shipper's license shall be revoked in accordance with the
21 provisions of Article VII of this Act.

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

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

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

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

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

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

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

1 licensed distilling pub wholly owned and operated by the same
2 licensee.

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

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

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

25 (Source: P.A. 100-17, eff. 6-30-17; 100-201, eff. 8-18-17;
26 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff.

1 8-23-18; 101-16, eff. 6-14-19; 101-31, eff. 6-28-19; 101-81,
2 eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff. 8-23-19;
3 101-615, eff. 12-20-19.)