



Rep. Sara Feigenholtz

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1 AMENDMENT TO SENATE BILL 54

2 AMENDMENT NO. _____. Amend Senate Bill 54 by replacing
3 everything after the enacting clause as follows:

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 Brewer, Class 11. Class 2 Brewer,

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

- 1 (d) Retailer's license,
- 2 (e) Special Event Retailer's license (not-for-profit),
- 3 (f) Railroad license,
- 4 (g) Boat license,
- 5 (h) Non-Beverage User's license,
- 6 (i) Wine-maker's premises license,
- 7 (j) Airplane license,
- 8 (k) Foreign importer's license,
- 9 (l) Broker's license,
- 10 (m) Non-resident dealer's license,
- 11 (n) Brew Pub license,
- 12 (o) Auction liquor license,
- 13 (p) Caterer retailer license,
- 14 (q) Special use permit license,
- 15 (r) Winery shipper's license,
- 16 (s) Craft distiller tasting permit,
- 17 (t) Brewer warehouse permit.

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

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

26 Class 1. A Distiller may make sales and deliveries of

1 alcoholic liquor to distillers, rectifiers, importing
2 distributors, distributors and non-beverage users and to no
3 other licensees.

4 Class 2. A Rectifier, who is not a distiller, as defined
5 herein, may make sales and deliveries of alcoholic liquor to
6 rectifiers, importing distributors, distributors, retailers
7 and non-beverage users and to no other licensees.

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

11 Class 4. A first class wine-manufacturer may make sales and
12 deliveries of up to 50,000 gallons of wine to manufacturers,
13 importing distributors and distributors, and to no other
14 licensees.

15 Class 5. A second class Wine manufacturer may make sales
16 and deliveries of more than 50,000 gallons of wine to
17 manufacturers, importing distributors and distributors and to
18 no other licensees.

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

1 this practice on or before July 1, 2008 in compliance with
2 Public Act 95-634.

3 Class 7. A second-class wine-maker's license shall allow
4 the manufacture of between 50,000 and 150,000 gallons of wine
5 per year, and the storage and sale of such wine to distributors
6 in this State and to persons without the State, as may be
7 permitted by law. A person who, prior to June 1, 2008 (the
8 effective date of Public Act 95-634), is a holder of a
9 second-class wine-maker's license and annually produces more
10 than 25,000 gallons of its own wine and who distributes its
11 wine to licensed retailers shall cease this practice on or
12 before July 1, 2008 in compliance with Public Act 95-634.

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

17 Class 9. A craft distiller license shall allow the
18 manufacture of up to 100,000 gallons of spirits by distillation
19 per year and the storage of such spirits. If a craft distiller
20 licensee, including a craft distiller licensee who holds more
21 than one craft distiller license, is not affiliated with any
22 other manufacturer of spirits, then the craft distiller
23 licensee may sell such spirits to distributors in this State
24 and up to 2,500 gallons of such spirits to non-licensees to the
25 extent permitted by any exemption approved by the Commission
26 pursuant to Section 6-4 of this Act. A craft distiller license

1 holder may store such spirits at a non-contiguous licensed
2 location, but at no time shall a craft distiller license holder
3 directly or indirectly produce in the aggregate more than
4 100,000 gallons of spirits per year.

5 A craft distiller licensee may hold more than one craft
6 distiller's license. However, a craft distiller that holds more
7 than one craft distiller license shall not manufacture, in the
8 aggregate, more than 100,000 gallons of spirits by distillation
9 per year and shall not sell, in the aggregate, more than 2,500
10 gallons of such spirits to non-licensees in accordance with an
11 exemption approved by the State Commission pursuant to Section
12 6-4 of this Act.

13 Any craft distiller licensed under this Act who on July 28,
14 2010 (the effective date of Public Act 96-1367) was licensed as
15 a distiller and manufactured no more spirits than permitted by
16 this Section shall not be required to pay the initial licensing
17 fee.

18 Class 10. A class 1 brewer license, which may only be
19 issued to a licensed brewer or licensed non-resident dealer,
20 shall allow the manufacture of up to 930,000 gallons of beer
21 per year provided that the class 1 brewer licensee does not
22 manufacture more than a combined 930,000 gallons of beer per
23 year and is not a member of or affiliated with, directly or
24 indirectly, a manufacturer that produces more than 930,000
25 gallons of beer per year or any other alcoholic liquor. A class
26 1 brewer licensee may make sales and deliveries to importing

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

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

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

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

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

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

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

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

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

22 (c) An importing distributor's license may be issued to and
23 held by those only who are duly licensed distributors, upon the
24 filing of an application by a duly licensed distributor, with
25 the Commission and the Commission shall, without the payment of
26 any fee, immediately issue such importing distributor's

1 license to the applicant, which shall allow the importation of
2 alcoholic liquor by the licensee into this State from any point
3 in the United States outside this State, and the purchase of
4 alcoholic liquor in barrels, casks or other bulk containers and
5 the bottling of such alcoholic liquors before resale thereof,
6 but all bottles or containers so filled shall be sealed,
7 labeled, stamped and otherwise made to comply with all
8 provisions, rules and regulations governing manufacturers in
9 the preparation and bottling of alcoholic liquors. The
10 importing distributor's license shall permit such licensee to
11 purchase alcoholic liquor from Illinois licensed non-resident
12 dealers and foreign importers only. No person licensed as an
13 importing distributor shall be granted a non-resident dealer's
14 license.

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

1 occupied by the manufacturer. For the purpose of further
2 describing the type of business conducted at a retail licensed
3 premises, a retailer's licensee may be designated by the State
4 Commission as (i) an on premise consumption retailer, (ii) an
5 off premise sale retailer, or (iii) a combined on premise
6 consumption and off premise sale retailer.

7 Licensed retailers may transfer, deliver, or ship
8 alcoholic liquor liquors to consumers through the following
9 methods:

10 (1) retail curbside pickup by the consumer;

11 (2) by an owner, officer, director, shareholder, or
12 employee of the licensed retailer; or

13 (3) by common carrier, third-party contractor,
14 independent contractor, or agent with whom the licensed
15 retailer has contracted to make deliveries of alcoholic
16 liquors.

17 Any person making a delivery of alcoholic liquors shall
18 ensure that (1) the recipient demonstrates, upon delivery, that
19 he or she is at least 21 years of age, and the party making the
20 delivery verifies the age of the recipient by adequate written
21 evidence of age and identity consistent with subsection (a) of
22 Section 6-16 of this Act; (2) deliveries are not made to a
23 consumer who is visibly intoxicated; (3) deliveries are made
24 within the State of Illinois; and (4) if the person making the
25 delivery is a third-party contractor or agent with whom a
26 licensed retailer has contracted to make deliveries, he or she

1 does not warehouse or otherwise maintain an inventory of
2 alcoholic liquors.

3 A unit of local government shall not prohibit or regulate
4 the ability of a consumer to order or receive unopened original
5 packaged alcoholic liquors by licensed retailers that are
6 located outside the unit of local government's boundaries.
7 However, a unit of local government may regulate delivery
8 within its boundaries by retailers that are physically located
9 within the unit of local government's boundaries.

10 For the purposes of this subsection and except as otherwise
11 provided in this subsection, sales through electronic, online,
12 telephone, or other means, such as third-party applications or
13 other software connecting recipients and licensed retailers,
14 shall be treated as sales by the retailer if the alcoholic
15 liquors delivered to the recipient are made available from the
16 inventory of the licensed retailer.

17 If a license issued by the State Commission is restricted
18 to sales that are made in person, this subsection does not
19 permit the holder of that license to deliver or ship any
20 alcoholic liquor from its premises.

21 Except for a municipality with a population of more than
22 1,000,000 inhabitants, a home rule unit may not regulate (i)
23 the delivery of or (ii) the ordering or receiving for delivery
24 by consumers of alcoholic liquors in a manner inconsistent with
25 this subsection. This paragraph is a limitation under
26 subsection (i) of Section 6 of Article VII of the Illinois

1 Constitution on the concurrent exercise by home rule units of
2 powers and functions exercised by the State.

3 Notwithstanding any other provision of this subsection
4 (d), a retail licensee may sell alcoholic liquors to a special
5 event retailer licensee for resale to the extent permitted
6 under subsection (e).

7 (e) A special event retailer's license (not-for-profit)
8 shall permit the licensee to purchase alcoholic liquors from an
9 Illinois licensed distributor (unless the licensee purchases
10 less than \$500 of alcoholic liquors for the special event, in
11 which case the licensee may purchase the alcoholic liquors from
12 a licensed retailer) and shall allow the licensee to sell and
13 offer for sale, at retail, alcoholic liquors for use or
14 consumption, but not for resale in any form and only at the
15 location and on the specific dates designated for the special
16 event in the license. An applicant for a special event retailer
17 license must (i) furnish with the application: (A) a resale
18 number issued under Section 2c of the Retailers' Occupation Tax
19 Act or evidence that the applicant is registered under Section
20 2a of the Retailers' Occupation Tax Act, (B) a current, valid
21 exemption identification number issued under Section 1g of the
22 Retailers' Occupation Tax Act, and a certification to the
23 Commission that the purchase of alcoholic liquors will be a
24 tax-exempt purchase, or (C) a statement that the applicant is
25 not registered under Section 2a of the Retailers' Occupation
26 Tax Act, does not hold a resale number under Section 2c of the

1 Retailers' Occupation Tax Act, and does not hold an exemption
2 number under Section 1g of the Retailers' Occupation Tax Act,
3 in which event the Commission shall set forth on the special
4 event retailer's license a statement to that effect; (ii)
5 submit with the application proof satisfactory to the State
6 Commission that the applicant will provide dram shop liability
7 insurance in the maximum limits; and (iii) show proof
8 satisfactory to the State Commission that the applicant has
9 obtained local authority approval.

10 Nothing in this Act prohibits an Illinois licensed
11 distributor from offering credit or a refund for unused,
12 salable alcoholic liquors to a holder of a special event
13 retailer's license or ~~from~~ the special event retailer's
14 licensee from accepting the credit or refund of alcoholic
15 liquors at the conclusion of the event specified in the
16 license.

17 (f) A railroad license shall permit the licensee to import
18 alcoholic liquors into this State from any point in the United
19 States outside this State and to store such alcoholic liquors
20 in this State; to make wholesale purchases of alcoholic liquors
21 directly from manufacturers, foreign importers, distributors
22 and importing distributors from within or outside this State;
23 and to store such alcoholic liquors in this State; provided
24 that the above powers may be exercised only in connection with
25 the importation, purchase or storage of alcoholic liquors to be
26 sold or dispensed on a club, buffet, lounge or dining car

1 operated on an electric, gas or steam railway in this State;
2 and provided further, that railroad licensees exercising the
3 above powers shall be subject to all provisions of Article VIII
4 of this Act as applied to importing distributors. A railroad
5 license shall also permit the licensee to sell or dispense
6 alcoholic liquors on any club, buffet, lounge or dining car
7 operated on an electric, gas or steam railway regularly
8 operated by a common carrier in this State, but shall not
9 permit the sale for resale of any alcoholic liquors to any
10 licensee within this State. A license shall be obtained for
11 each car in which such sales are made.

12 (g) A boat license shall allow the sale of alcoholic liquor
13 in individual drinks, on any passenger boat regularly operated
14 as a common carrier on navigable waters in this State or on any
15 riverboat operated under the Riverboat Gambling Act, which boat
16 or riverboat maintains a public dining room or restaurant
17 thereon.

18 (h) A non-beverage user's license shall allow the licensee
19 to purchase alcoholic liquor from a licensed manufacturer or
20 importing distributor, without the imposition of any tax upon
21 the business of such licensed manufacturer or importing
22 distributor as to such alcoholic liquor to be used by such
23 licensee solely for the non-beverage purposes set forth in
24 subsection (a) of Section 8-1 of this Act, and such licenses
25 shall be divided and classified and shall permit the purchase,
26 possession and use of limited and stated quantities of

1 alcoholic liquor as follows:

2 Class 1, not to exceed 500 gallons

3 Class 2, not to exceed 1,000 gallons

4 Class 3, not to exceed 5,000 gallons

5 Class 4, not to exceed 10,000 gallons

6 Class 5, not to exceed 50,000 gallons

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

1 the licensee to sell and offer for sale at (i) the wine-maker's
2 licensed premises and (ii) at up to 2 additional locations for
3 use and consumption and not for resale. Each location shall
4 require additional licensing per location as specified in
5 Section 5-3 of this Act. A wine-maker's premises licensee shall
6 secure liquor liability insurance coverage in an amount at
7 least equal to the maximum liability amounts set forth in
8 subsection (a) of Section 6-21 of this Act.

9 (j) An airplane license shall permit the licensee to import
10 alcoholic liquors into this State from any point in the United
11 States outside this State and to store such alcoholic liquors
12 in this State; to make wholesale purchases of alcoholic liquors
13 directly from manufacturers, foreign importers, distributors
14 and importing distributors from within or outside this State;
15 and to store such alcoholic liquors in this State; provided
16 that the above powers may be exercised only in connection with
17 the importation, purchase or storage of alcoholic liquors to be
18 sold or dispensed on an airplane; and provided further, that
19 airplane licensees exercising the above powers shall be subject
20 to all provisions of Article VIII of this Act as applied to
21 importing distributors. An airplane licensee shall also permit
22 the sale or dispensing of alcoholic liquors on any passenger
23 airplane regularly operated by a common carrier in this State,
24 but shall not permit the sale for resale of any alcoholic
25 liquors to any licensee within this State. A single airplane
26 license shall be required of an airline company if liquor

1 service is provided on board aircraft in this State. The annual
2 fee for such license shall be as determined in Section 5-3.

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

18 (l) (i) A broker's license shall be required of all persons
19 who solicit orders for, offer to sell or offer to supply
20 alcoholic liquor to retailers in the State of Illinois, or who
21 offer to retailers to ship or cause to be shipped or to make
22 contact with distillers, rectifiers, brewers or manufacturers
23 or any other party within or without the State of Illinois in
24 order that alcoholic liquors be shipped to a distributor,
25 importing distributor or foreign importer, whether such
26 solicitation or offer is consummated within or without the

1 State of Illinois.

2 No holder of a retailer's license issued by the Illinois
3 Liquor Control Commission shall purchase or receive any
4 alcoholic liquor, the order for which was solicited or offered
5 for sale to such retailer by a broker unless the broker is the
6 holder of a valid broker's license.

7 The broker shall, upon the acceptance by a retailer of the
8 broker's solicitation of an order or offer to sell or supply or
9 deliver or have delivered alcoholic liquors, promptly forward
10 to the Illinois Liquor Control Commission a notification of
11 said transaction in such form as the Commission may by
12 regulations prescribe.

13 (ii) A broker's license shall be required of a person
14 within this State, other than a retail licensee, who, for a fee
15 or commission, promotes, solicits, or accepts orders for
16 alcoholic liquor, for use or consumption and not for resale, to
17 be shipped from this State and delivered to residents outside
18 of this State by an express company, common carrier, or
19 contract carrier. This Section does not apply to any person who
20 promotes, solicits, or accepts orders for wine as specifically
21 authorized in Section 6-29 of this Act.

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

26 This subsection (1) shall not apply to distributors,

1 employees of distributors, or employees of a manufacturer who
2 has registered the trademark, brand or name of the alcoholic
3 liquor pursuant to Section 6-9 of this Act, and who regularly
4 sells such alcoholic liquor in the State of Illinois only to
5 its registrants thereunder.

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

9 (m) A non-resident dealer's license shall permit such
10 licensee to ship into and warehouse alcoholic liquor into this
11 State from any point outside of this State, and to sell such
12 alcoholic liquor to Illinois licensed foreign importers and
13 importing distributors and to no one else in this State;
14 provided that (i) said non-resident dealer shall register with
15 the Illinois Liquor Control Commission each and every brand of
16 alcoholic liquor which it proposes to sell to Illinois
17 licensees during the license period, (ii) it shall comply with
18 all of the provisions of Section 6-9 hereof with respect to
19 registration of such Illinois licensees as may be granted the
20 right to sell such brands at wholesale by duly filing such
21 registration statement, thereby authorizing the non-resident
22 dealer to proceed to sell such brands at wholesale, and (iii)
23 the non-resident dealer shall comply with the provisions of
24 Sections 6-5 and 6-6 of this Act to the same extent that these
25 provisions apply to manufacturers. No person licensed as a
26 non-resident dealer shall be granted a distributor's or

1 importing distributor's license.

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

20 A brew pub licensee shall not under any circumstance sell
21 or offer for sale beer manufactured by the brew pub licensee to
22 retail licensees.

23 A person who holds a class 2 brewer license may
24 simultaneously hold a brew pub license if the class 2 brewer
25 (i) does not, under any circumstance, sell or offer for sale
26 beer manufactured by the class 2 brewer to retail licensees;

1 (ii) does not hold more than 3 brew pub licenses in this State;
2 (iii) does not manufacture more than a combined 3,720,000
3 gallons of beer per year, including the beer manufactured at
4 the brew pub; and (iv) is not a member of or affiliated with,
5 directly or indirectly, a manufacturer that produces more than
6 3,720,000 gallons of beer per year or any other alcoholic
7 liquor.

8 Notwithstanding any other provision of this Act, a licensed
9 brewer, class 2 brewer, or non-resident dealer who before July
10 1, 2015 manufactured less than 3,720,000 gallons of beer per
11 year and held a brew pub license on or before July 1, 2015 may
12 (i) continue to qualify for and hold that brew pub license for
13 the licensed premises and (ii) manufacture more than 3,720,000
14 gallons of beer per year and continue to qualify for and hold
15 that brew pub license if that brewer, class 2 brewer, or
16 non-resident dealer does not simultaneously hold a class 1
17 brewer license and is not a member of or affiliated with,
18 directly or indirectly, a manufacturer that produces more than
19 3,720,000 gallons of beer per year or that produces any other
20 alcoholic liquor.

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

26 (p) An auction liquor license shall allow the licensee to

1 sell and offer for sale at auction wine and spirits for use or
2 consumption, or for resale by an Illinois liquor licensee in
3 accordance with provisions of this Act. An auction liquor
4 license will be issued to a person and it will permit the
5 auction liquor licensee to hold the auction anywhere in the
6 State. An auction liquor license must be obtained for each
7 auction at least 14 days in advance of the auction date.

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

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

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

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

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

1 the following information:

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

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

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

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

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

1 carrier, that has been deemed by the State Commission to have
2 violated the provisions of this Act with regard to any winery
3 shipper licensee.

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

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

1 must comply with the requirements of Section 6-29 of this Act.

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

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

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

24 A brewer warehouse permit may be issued to the holder of a
25 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 (Source: P.A. 99-448, eff. 8-24-15; 99-642, eff. 7-28-16;
11 99-800, eff. 8-12-16; 99-902, eff. 8-26-16; 99-904, eff.
12 1-1-17; 100-17, eff. 6-30-17; 100-201, eff. 8-18-17; 100-816,
13 eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff. 8-23-18;
14 revised 10-2-18.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."