



Rep. Michael J. Zalewski

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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 with the following:

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,

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

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

25 (a) A manufacturer's license shall allow the manufacture,  
26 importation in bulk, storage, distribution and sale of

1 alcoholic liquor to persons without the State, as may be  
2 permitted by law and to licensees in this State as follows:

3 Class 1. A Distiller may make sales and deliveries of  
4 alcoholic liquor to distillers, rectifiers, importing  
5 distributors, distributors and non-beverage users and to no  
6 other licensees.

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

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

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

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

22 Class 6. A first-class wine-maker's license shall allow the  
23 manufacture of up to 50,000 gallons of wine per year, and the  
24 storage and sale of such wine to distributors in the State and  
25 to persons without the State, as may be permitted by law. A  
26 person who, prior to June 1, 2008 (the effective date of Public

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

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

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

20 Class 9. A craft distiller license, which may only be held  
21 by a class 1 craft distiller licensee or class 2 craft  
22 distiller licensee but not held by both a class 1 craft  
23 distiller licensee and a class 2 craft distiller licensee,  
24 shall grant all rights conveyed by either: (i) a class 1 craft  
25 distiller license if the craft distiller holds a class 1 craft  
26 distiller license; or (ii) a class 2 craft distiller licensee

1 if the craft distiller holds a class 2 craft distiller license.

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

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

25 A class 1 craft distiller licensee may hold more than one  
26 class 1 craft distiller's license. However, a class 1 craft

1 distiller that holds more than one class 1 craft distiller  
2 license shall not manufacture, in the aggregate, more than  
3 50,000 gallons of spirits by distillation per year and shall  
4 not sell, in the aggregate, more than 5,000 gallons of such  
5 spirits to non-licensees in accordance with an exemption  
6 approved by the State Commission pursuant to Section 6-4 of  
7 this Act.

8 Class 11. A class 2 craft distiller license, which may only  
9 be issued to a licensed craft distiller or licensed  
10 non-resident dealer, shall allow the manufacture of up to  
11 100,000 gallons of spirits per year provided that the class 2  
12 craft distiller licensee does not manufacture more than a  
13 combined 100,000 gallons of spirits per year and is not a  
14 member of or affiliated with, directly or indirectly, a  
15 manufacturer that produces more than 100,000 gallons of spirits  
16 per year or any other alcoholic liquor. A class 2 craft  
17 distiller licensee may make sales and deliveries to importing  
18 distributors and distributors, but shall not make sales or  
19 deliveries to any other licensee. If the State Commission  
20 provides prior approval, a class 2 craft distiller licensee may  
21 annually transfer up to 100,000 gallons of spirits manufactured  
22 by that class 2 craft distiller licensee to the premises of a  
23 licensed class 2 craft distiller wholly owned and operated by  
24 the same licensee. A class 2 craft distiller may transfer  
25 spirits to a distilling pub wholly owned and operated by the  
26 class 2 craft distiller subject to the following limitations

1 and restrictions: (i) the transfer shall not annually exceed  
2 more than 5,000 gallons; (ii) the annual amount transferred  
3 shall reduce the distilling pub's annual permitted production  
4 limit; (iii) all spirits transferred shall be subject to  
5 Article VIII of this Act; (iv) a written record shall be  
6 maintained by the distiller and distilling pub specifying the  
7 amount, date of delivery, and receipt of the product by the  
8 distilling pub; and (v) the distilling pub shall be located no  
9 farther than 80 miles from the class 2 craft distiller's  
10 licensed location.

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

19 A class 2 craft distiller license holder may store such  
20 spirits at a non-contiguous licensed location, but at no time  
21 shall a class 2 craft distiller license holder directly or  
22 indirectly produce in the aggregate more than 100,000 gallons  
23 of spirits per year.

24 Class 12. A class 1 brewer license, which may only be  
25 issued to a licensed brewer or licensed non-resident dealer,  
26 shall allow the manufacture of up to 930,000 gallons of beer

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

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



1 class 2 brewer licensee to the premises of a licensed class 2  
2 brewer wholly owned and operated by the same licensee.

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

14 A class 2 brewer shall, prior to transferring beer to a  
15 brew pub wholly owned by the class 2 brewer, furnish a written  
16 notice to the State Commission of intent to transfer beer  
17 setting forth the name and address of the brew pub and shall  
18 annually submit to the State Commission a verified report  
19 identifying the total gallons of beer transferred to the brew  
20 pub wholly owned by the class 2 brewer.

21 (a-1) A manufacturer which is licensed in this State to  
22 make sales or deliveries of alcoholic liquor to licensed  
23 distributors or importing distributors and which enlists  
24 agents, representatives, or individuals acting on its behalf  
25 who contact licensed retailers on a regular and continual basis  
26 in this State must register those agents, representatives, or

1 persons acting on its behalf with the State Commission.

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

19 (b) A distributor's license shall allow (i) the wholesale  
20 purchase and storage of alcoholic liquors and sale of alcoholic  
21 liquors to licensees in this State and to persons without the  
22 State, as may be permitted by law; (ii) the sale of beer,  
23 cider, or both beer and cider to brewers, class 1 brewers, and  
24 class 2 brewers that, pursuant to subsection (e) of Section 6-4  
25 of this Act, sell beer, cider, or both beer and cider to  
26 non-licensees at their breweries; and (iii) the sale of

1 vermouth to class 1 craft distillers and class 2 craft  
2 distillers that, pursuant to subsection (e) of Section 6-4 of  
3 this Act, sell spirits, vermouth, or both spirits and vermouth  
4 to non-licensees at their distilleries. No person licensed as a  
5 distributor shall be granted a non-resident dealer's license.

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

25 (d) A retailer's license shall allow the licensee to sell  
26 and offer for sale at retail, only in the premises specified in

1 the license, alcoholic liquor for use or consumption, but not  
2 for resale in any form. Except as provided in Section 6-16 or  
3 6-23, nothing in this Act ~~Nothing in Public Act 95-634~~ shall  
4 deny, limit, remove, or restrict the ability of a holder of a  
5 retailer's license to transfer, ~~deliver,~~ or ship alcoholic  
6 liquor to the purchaser for use or consumption subject to any  
7 applicable local law or ordinance. For the purposes of this  
8 Section, "shipping" means the movement of alcoholic liquor from  
9 a licensed retailer to a consumer via a common carrier. Except  
10 as provided in Section 6-16 or 6-23, nothing in this Act shall  
11 deny, limit, remove, or restrict the ability of a holder of a  
12 retailer's license to deliver alcoholic liquor to the purchaser  
13 for use or consumption. The delivery shall be made only within  
14 12 hours from the time the alcoholic liquor leaves the licensed  
15 premises of the retailer for delivery. For the purposes of this  
16 Section, "delivery" means the movement of alcoholic liquor  
17 purchased from a licensed retailer to a consumer through the  
18 following methods:

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

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

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

26 Under subsection (1), (2), or (3), delivery shall not

1 include the use of common carriers.

2 Any retail license issued to a manufacturer shall only  
3 permit the manufacturer to sell beer at retail on the premises  
4 actually occupied by the manufacturer. For the purpose of  
5 further describing the type of business conducted at a retail  
6 licensed premises, a retailer's licensee may be designated by  
7 the State Commission as (i) an on premise consumption retailer,  
8 (ii) an off premise sale retailer, or (iii) a combined on  
9 premise consumption and off premise sale retailer.

10 Except for a municipality with a population of more than  
11 1,000,000 inhabitants, a home rule unit may not regulate the  
12 delivery of alcoholic liquor inconsistent with this  
13 subsection. This paragraph is a limitation of under subsection  
14 (i) of Section 6 of Article VII of the Illinois Constitution on  
15 the concurrent exercise by home rule units of powers and  
16 functions exercised by the State.

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

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

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

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

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

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

25 (g) A boat license shall allow the sale of alcoholic liquor  
26 in individual drinks, on any passenger boat regularly operated

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

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

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

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



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

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

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

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

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

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

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

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

26 (ii) A broker's license shall be required of a person

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

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

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

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

22 (m) A non-resident dealer's license shall permit such  
23 licensee to ship into and warehouse alcoholic liquor into this  
24 State from any point outside of this State, and to sell such  
25 alcoholic liquor to Illinois licensed foreign importers and  
26 importing distributors and to no one else in this State;

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

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

1 consumption on the premises specified in the license any form  
2 of alcoholic liquor purchased from a licensed distributor or  
3 importing distributor, (vi) with the prior approval of the  
4 Commission, annually transfer no more than 155,000 gallons of  
5 beer manufactured on the premises to a licensed brew pub wholly  
6 owned and operated by the same licensee, and (vii)  
7 notwithstanding item (i) of this subsection, brew pubs wholly  
8 owned and operated by the same licensee may combine each  
9 location's production limit of 155,000 gallons of beer per year  
10 and allocate the aggregate total between the wholly owned,  
11 operated, and licensed locations.

12 A brew pub licensee shall not under any circumstance sell  
13 or offer for sale beer manufactured by the brew pub licensee to  
14 retail licensees.

15 A person who holds a class 2 brewer license may  
16 simultaneously hold a brew pub license if the class 2 brewer  
17 (i) does not, under any circumstance, sell or offer for sale  
18 beer manufactured by the class 2 brewer to retail licensees;  
19 (ii) does not hold more than 3 brew pub licenses in this State;  
20 (iii) does not manufacture more than a combined 3,720,000  
21 gallons of beer per year, including the beer manufactured at  
22 the brew pub; and (iv) is not a member of or affiliated with,  
23 directly or indirectly, a manufacturer that produces more than  
24 3,720,000 gallons of beer per year or any other alcoholic  
25 liquor.

26 Notwithstanding any other provision of this Act, a licensed

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

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

23 Nothing in this Act prohibits a distributor or importing  
24 distributor from offering credit or a refund for unused,  
25 salable beer to a holder of a caterer retailer license or a  
26 caterer retailer licensee from accepting a credit or refund for

1 unused, salable beer, in the event an act of God is the sole  
2 reason an off-site event is cancelled and if: (i) the holder of  
3 a caterer retailer license has not transferred alcoholic liquor  
4 from its caterer retailer premises to an off-site location;  
5 (ii) the distributor or importing distributor offers the credit  
6 or refund for the unused, salable beer that it delivered to the  
7 off-site premises and not for any unused, salable beer that the  
8 distributor or importing distributor delivered to the caterer  
9 retailer's premises; and (iii) the unused, salable beer would  
10 likely spoil if transferred to the caterer retailer's premises.  
11 A caterer retailer license shall allow the holder to transfer  
12 any inventory from any off-site location to its caterer  
13 retailer premises at the conclusion of an off-site event or  
14 engage a distributor or importing distributor to transfer any  
15 inventory from any off-site location to its caterer retailer  
16 premises at the conclusion of an off-site event, provided that  
17 the distributor or importing distributor issues bona fide  
18 charges to the caterer retailer licensee for fuel, labor, and  
19 delivery and the distributor or importing distributor collects  
20 payment from the caterer retailer licensee prior to the  
21 distributor or importing distributor transferring inventory to  
22 the caterer retailer premises.

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



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

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

26           A special use permit license shall allow the holder to

1 transfer any inventory from the holder's special use premises  
2 to its retail premises at the conclusion of the special use  
3 event or engage a distributor or importing distributor to  
4 transfer any inventory from the holder's special use premises  
5 to its retail premises at the conclusion of an off-site event,  
6 provided that the distributor or importing distributor issues  
7 bona fide charges to the special use permit licensee for fuel,  
8 labor, and delivery and the distributor or importing  
9 distributor collects payment from the retail licensee prior to  
10 the distributor or importing distributor transferring  
11 inventory to the retail premises.

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

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

1 except for a common carrier, authorized to ship wine on behalf  
2 of a first-class or second-class wine manufacturer's licensee,  
3 a first-class or second-class wine-maker's licensee, a limited  
4 wine manufacturer's licensee, or a person who is licensed to  
5 make wine under the laws of another state shall also be  
6 disclosed by the winery shipper's licensee, and a copy of the  
7 written appointment of the third-party wine provider, except  
8 for a common carrier, to the wine manufacturer shall be filed  
9 with the State Commission as a supplement to the winery  
10 shipper's license application or any renewal thereof. The  
11 winery shipper's license holder shall affirm under penalty of  
12 perjury, as part of the winery shipper's license application or  
13 renewal, that he or she only ships wine, either directly or  
14 indirectly through a third-party provider, from the licensee's  
15 own production.

16 Except for a common carrier, a third-party provider  
17 shipping wine on behalf of a winery shipper's license holder is  
18 the agent of the winery shipper's license holder and, as such,  
19 a winery shipper's license holder is responsible for the acts  
20 and omissions of the third-party provider acting on behalf of  
21 the license holder. A third-party provider, except for a common  
22 carrier, that engages in shipping wine into Illinois on behalf  
23 of a winery shipper's license holder shall consent to the  
24 jurisdiction of the State Commission and the State. Any  
25 third-party, except for a common carrier, holding such an  
26 appointment shall, by February 1 of each calendar year and upon

1 request by the State Commission or the Department of Revenue,  
2 file with the State Commission a statement detailing each  
3 shipment made to an Illinois resident. The statement shall  
4 include the name and address of the third-party provider filing  
5 the statement, the time period covered by the statement, and  
6 the following information:

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

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

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

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

1 continuance thereof shall be a separate and distinct offense.

2 The State Commission shall adopt rules as soon as  
3 practicable to implement the requirements of Public Act 99-904  
4 and shall adopt rules prohibiting any such third-party  
5 appointment of a third-party provider, except for a common  
6 carrier, that has been deemed by the State Commission to have  
7 violated the provisions of this Act with regard to any winery  
8 shipper licensee.

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

1 provisions of Article VII of this Act.

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

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

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

16 (s) A craft distiller tasting permit license shall allow an  
17 Illinois licensed class 1 craft distiller or class 2 craft  
18 distiller to transfer a portion of its alcoholic liquor  
19 inventory from its class 1 craft distiller or class 2 craft  
20 distiller licensed premises to the premises specified in the  
21 license hereby created and to conduct a sampling, only in the  
22 premises specified in the license hereby created, of the  
23 transferred alcoholic liquor in accordance with subsection (c)  
24 of Section 6-31 of this Act. The transferred alcoholic liquor  
25 may not be sold or resold in any form. An applicant for the  
26 craft distiller tasting permit license must also submit with

1 the application proof satisfactory to the State Commission that  
2 the applicant will provide dram shop liability insurance to the  
3 maximum limits and have local authority approval.

4 (t) A brewer warehouse permit may be issued to the holder  
5 of a class 1 brewer license or a class 2 brewer license. If the  
6 holder of the permit is a class 1 brewer licensee, the brewer  
7 warehouse permit shall allow the holder to store or warehouse  
8 up to 930,000 gallons of tax-determined beer manufactured by  
9 the holder of the permit at the premises specified on the  
10 permit. If the holder of the permit is a class 2 brewer  
11 licensee, the brewer warehouse permit shall allow the holder to  
12 store or warehouse up to 3,720,000 gallons of tax-determined  
13 beer manufactured by the holder of the permit at the premises  
14 specified on the permit. Sales to non-licensees are prohibited  
15 at the premises specified in the brewer warehouse permit.

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



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

9 A distilling pub licensee shall not under any circumstance  
10 sell or offer for sale spirits manufactured by the distilling  
11 pub licensee to retail licensees.

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

23 (v) A craft distiller warehouse permit may be issued to the  
24 holder of a class 1 craft distiller or class 2 craft distiller  
25 license. The craft distiller warehouse permit shall allow the  
26 holder to store or warehouse up to 500,000 gallons of spirits

1 manufactured by the holder of the permit at the premises  
2 specified on the permit. Sales to non-licensees are prohibited  
3 at the premises specified in the craft distiller warehouse  
4 permit.

5 (Source: P.A. 100-17, eff. 6-30-17; 100-201, eff. 8-18-17;  
6 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff.  
7 8-23-18; 101-16, eff. 6-14-19; 101-31, eff. 6-28-19; 101-81,  
8 eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff. 8-23-19;  
9 101-615, eff. 12-20-19.)".