



Sen. Michael E. Hastings

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1 AMENDMENT TO SENATE BILL 596

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 596 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 Sections 6-6 and 6-6.5 as follows:

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

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

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

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

1 the following signs and inside advertising materials as  
2 authorized in subparts (i), (ii), (iii), and (iv):

3 (i) Permanent outside signs shall cost not more than  
4 \$3,000 per manufacturer, exclusive of erection,  
5 installation, repair and maintenance costs, and permit  
6 fees and shall bear only the manufacturer's name, brand  
7 name, trade name, slogans, markings, trademark, or other  
8 symbols commonly associated with and generally used in  
9 identifying the product including, but not limited to,  
10 "cold beer", "on tap", "carry out", and "packaged liquor".

11 (ii) Temporary outside signs shall include, but not be  
12 limited to, banners, flags, pennants, streamers, and other  
13 items of a temporary and non-permanent nature, and shall  
14 cost not more than \$1,000 per manufacturer. Each temporary  
15 outside sign must include the manufacturer's name, brand  
16 name, trade name, slogans, markings, trademark, or other  
17 symbol commonly associated with and generally used in  
18 identifying the product. Temporary outside signs may also  
19 include, for example, the product, price, packaging, date  
20 or dates of a promotion and an announcement of a retail  
21 licensee's specific sponsored event, if the temporary  
22 outside sign is intended to promote a product, and provided  
23 that the announcement of the retail licensee's event and  
24 the product promotion are held simultaneously. However,  
25 temporary outside signs may not include names, slogans,  
26 markings, or logos that relate to the retailer. Nothing in

1       this subpart (ii) shall prohibit a distributor or importing  
2       distributor from bearing the cost of creating or printing a  
3       temporary outside sign for the retail licensee's specific  
4       sponsored event or from bearing the cost of creating or  
5       printing a temporary sign for a retail licensee containing,  
6       for example, community goodwill expressions, regional  
7       sporting event announcements, or seasonal messages,  
8       provided that the primary purpose of the temporary outside  
9       sign is to highlight, promote, or advertise the product. In  
10      addition, temporary outside signs provided by the  
11      manufacturer to the distributor or importing distributor  
12      may also include, for example, subject to the limitations  
13      of this Section, preprinted community goodwill  
14      expressions, sporting event announcements, seasonal  
15      messages, and manufacturer promotional announcements.  
16      However, a distributor or importing distributor shall not  
17      bear the cost of such manufacturer preprinted signs.

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

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

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

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

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

22 No distributor or importing distributor shall directly or  
23 indirectly or through a subsidiary or affiliate, or by any  
24 officer, director or firm of such manufacturer, distributor or  
25 importing distributor, furnish, give, lend or rent, install,  
26 repair or maintain, to or for any retail licensee in this

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

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

24 A distributor or importing distributor shall be deemed the  
25 owner of such signs or advertising materials purchased from a  
26 manufacturer or a manufacturer's designated supplier.

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

5           A manufacturer, distributor, or importing distributor may  
6 furnish free social media advertising to a retail licensee if  
7 the social media advertisement does not contain the retail  
8 price of any alcoholic liquor and the social media  
9 advertisement complies with any applicable rules or  
10 regulations issued by the Alcohol and Tobacco Tax and Trade  
11 Bureau of the United States Department of the Treasury. A  
12 manufacturer, distributor, or importing distributor may list  
13 the names of one or more unaffiliated retailers in the  
14 advertisement of alcoholic liquor through social media.  
15 Nothing in this Section shall prohibit a retailer from  
16 communicating with a manufacturer, distributor, or importing  
17 distributor on social media or sharing media on the social  
18 media of a manufacturer, distributor, or importing  
19 distributor. A retailer may request free social media  
20 advertising from a manufacturer, distributor, or importing  
21 distributor. Nothing in this Section shall prohibit a  
22 manufacturer, distributor, or importing distributor from  
23 sharing, reposting, or otherwise forwarding a social media post  
24 by a retail licensee, so long as the sharing, reposting, or  
25 forwarding of the social media post does not contain the retail  
26 price of any alcoholic liquor. No manufacturer, distributor, or



1 importing distributor shall pay or reimburse a retailer,  
2 directly or indirectly, for any social media advertising  
3 services, except as specifically permitted in this Act. No  
4 retailer shall accept any payment or reimbursement, directly or  
5 indirectly, for any social media advertising services offered  
6 by a manufacturer, distributor, or importing distributor,  
7 except as specifically permitted in this Act. For the purposes  
8 of this Section, "social media" means a service, platform, or  
9 site where users communicate with one another and share media,  
10 such as pictures, videos, music, and blogs, with other users  
11 free of charge.

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

23 This Section shall not apply to airplane licensees  
24 exercising powers provided in paragraph (i) of Section 5-1 of  
25 this Act.

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

1 (235 ILCS 5/6-6.5)

2 Sec. 6-6.5. Sanitation and use of growlers.

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

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

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

20 (b) A manufacturer of beer licensed under subsection (e) of  
21 Section 6-4, a brew pub, or an on-premises retail licensee may  
22 transfer beer to a growler, which is not an original  
23 manufacturer container, but is a reusable rigid container that  
24 holds 32, 64, or 128 fluid ounces of beer and is designed to be  
25 sealed on premises by the licensee for off-premises

1 consumption, if the following requirements are met:

2 (1) the beer is transferred within the licensed  
3 premises by an employee of the licensed premises at the  
4 time of sale;

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

7 (3) the growler holds no more than 128 fluid ounces;

8 (4) the growler bears a twist-type closure, cork,  
9 stopper, or plug and includes a one-time use tamper-proof  
10 seal;

11 (5) the growler is affixed with a label or tag that  
12 contains the following information:

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

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

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

17 (D) the net contents;

18 (E) the name and address of the business that  
19 cleaned, sanitized, labeled, and filled or refilled  
20 the growler;

21 (F) the date the growler was filled or refilled;

22 (G) the following statement: "This product may be  
23 unfiltered and unpasteurized. Keep refrigerated at all  
24 times."; and

25 (6) the manufacturer of beer licensed under subsection  
26 (e) of Section 6-4, the brew pub, or the on-premises retail

1 licensee complies with the sanitation requirements under  
2 subsections (a) through (c) of 11 Ill. Adm. Code 100.160  
3 when sanitizing the dispensing equipment used to draw beer  
4 to fill or refill the growler;

5 (7) before filling or refilling the growler, the  
6 licensee or licensee's employee shall clean and sanitize  
7 the growler in one of the following manners:

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

9 (i) Before sanitizing the growler, the sinks  
10 and work area shall be cleaned to remove any  
11 chemicals, oils, or grease from other cleaning  
12 activities.

13 (ii) Any residual liquid from the growler  
14 shall be emptied into a drain. A growler shall not  
15 be emptied into the cleaning water.

16 (iii) The growler and cap shall be cleaned in  
17 water and detergent. The water temperature shall  
18 be, at a minimum, 110 degrees Fahrenheit or the  
19 temperature specified on the cleaning agent  
20 manufacturer's label instructions. The detergent  
21 shall not be fat-based or oil-based.

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

24 (v) The growler and cap shall be rinsed with  
25 water in the middle compartment. Rinsing may be  
26 from the spigot with a spray arm, from a spigot, or

1           from a tub as long as the water for rinsing is not  
2           stagnant but is continually refreshed.

3           (vi) The growler shall be sanitized in the  
4           third compartment. Chemical sanitizer shall be  
5           used in accordance with the United States  
6           Environmental Protection Agency-registered label  
7           use instructions and shall meet the minimum water  
8           temperature requirements of that chemical.

9           (vii) A test kit or other device that  
10          accurately measures the concentration in  
11          milligrams per liter of chemical sanitizing  
12          solutions shall be provided and be readily  
13          accessible for use.

14          (B) By using a mechanical washing and sanitizing  
15          machine.

16          (i) Mechanical washing and sanitizing machines  
17          shall be provided with an easily accessible and  
18          readable data plate affixed to the machine by the  
19          manufacturer and shall be used according to the  
20          machine's design and operation specifications.

21          (ii) Mechanical washing and sanitizing  
22          machines shall be equipped with chemical or hot  
23          water sanitization.

24          (iii) The concentration of the sanitizing  
25          solution or the water temperature shall be  
26          accurately determined by using a test kit or other

1           device.

2           (iv) The machine shall be regularly serviced  
3           based upon the manufacturer's or installer's  
4           guidelines.

5           (C) By transferring beer to a growler with a tube.

6           (i) Beer may be transferred to a growler from  
7           the bottom of the growler to the top with a tube  
8           that is attached to the tap and extends to the  
9           bottom of the growler or with a commercial filling  
10           machine.

11           (ii) Food grade sanitizer shall be used in  
12           accordance with the United States Environmental  
13           Protection Agency-registered label use  
14           instructions.

15           (iii) A container of liquid food grade  
16           sanitizer shall be maintained for no more than 10  
17           malt beverage taps that will be used for filling  
18           and refilling growlers.

19           (iv) Each container shall contain no less than  
20           5 tubes that will be used only for filling and  
21           refilling growlers.

22           (v) The growler must be inspected visually for  
23           contamination.

24           (vi) After each transfer of beer to a growler,  
25           the tube shall be immersed in the container with  
26           the liquid food grade sanitizer.

1                   (vii) A different tube from the container must  
2                   be used for each fill or refill of a growler.

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

6           (d) Growlers, as described and authorized under this  
7           Section, are not original packages for the purposes of this  
8           Act. Upon a consumer taking possession of a growler from a  
9           manufacturer of beer licensed under subsection (e) of Section  
10           6-4, a brew pub, or an on-premises retail licensee, the growler  
11           and its contents are deemed to be in the sole custody, control,  
12           and care of the consumer.

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

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

16           (625 ILCS 5/11-502) (from Ch. 95 1/2, par. 11-502)

17           Sec. 11-502. Transportation or possession of alcoholic  
18           liquor in a motor vehicle.

19           (a) Except as provided in paragraph (c) and in Sections  
20           6-6.5 and 6-33 of the Liquor Control Act of 1934, no driver may  
21           transport, carry, possess or have any alcoholic liquor within  
22           the passenger area of any motor vehicle upon a highway in this  
23           State except in the original container and with the seal  
24           unbroken.

1           (b) Except as provided in paragraph (c) and in Sections  
2 6-6.5 and 6-33 of the Liquor Control Act of 1934, no passenger  
3 may carry, possess or have any alcoholic liquor within any  
4 passenger area of any motor vehicle upon a highway in this  
5 State except in the original container and with the seal  
6 unbroken.

7           (c) This Section shall not apply to the passengers in a  
8 limousine when it is being used for purposes for which a  
9 limousine is ordinarily used, the passengers on a chartered bus  
10 when it is being used for purposes for which chartered buses  
11 are ordinarily used or on a motor home or mini motor home as  
12 defined in Section 1-145.01 of this Code. However, the driver  
13 of any such vehicle is prohibited from consuming or having any  
14 alcoholic liquor in or about the driver's area. Any evidence of  
15 alcoholic consumption by the driver shall be prima facie  
16 evidence of such driver's failure to obey this Section. For the  
17 purposes of this Section, a limousine is a motor vehicle of the  
18 first division with the passenger compartment enclosed by a  
19 partition or dividing window used in the for-hire  
20 transportation of passengers and operated by an individual in  
21 possession of a valid Illinois driver's license of the  
22 appropriate classification pursuant to Section 6-104 of this  
23 Code.

24           (d) (Blank).

25           (e) Any driver who is convicted of violating subsection (a)  
26 of this Section for a second or subsequent time within one year



1 of a similar conviction shall be subject to suspension of  
2 driving privileges as provided, in paragraph 23 of subsection  
3 (a) of Section 6-206 of this Code.

4 (f) Any driver, who is less than 21 years of age at the  
5 date of the offense and who is convicted of violating  
6 subsection (a) of this Section or a similar provision of a  
7 local ordinance, shall be subject to the loss of driving  
8 privileges as provided in paragraph 13 of subsection (a) of  
9 Section 6-205 of this Code and paragraph 33 of subsection (a)  
10 of Section 6-206 of this Code.

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