



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2941

Introduced 2/19/2021, by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

235 ILCS 5/5-1

from Ch. 43, par. 115

235 ILCS 5/6-9.2 new

Amends the Liquor Control Act of 1934. Provides that if a licensed distributor of wine or spirits fails to meet specified delivery requirements for the holder of that license, any retailer affected by the failure shall have the right to submit an Emergency Alcohol Resale Application to the State Commission. Provides that the application fee is \$100. Requires the retailer to submit a copy of the Emergency Alcohol Resale Application to its distributor. Provides that a retail licensee may sell alcoholic liquors to another retail licensee for resale if the retail licensee presents a completed Emergency Alcohol Resale Application that has been submitted under specified conditions. Contains provisions concerning application requirements and rulemaking.

LRB102 05149 RPS 15170 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning liquor.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 5-1 and by adding Section 6-9.2 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
12 6. First Class Winemaker, Class 7. Second Class Winemaker,
13 Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller,
14 Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft
15 Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,
16 (b) Distributor's license,
17 (c) Importing Distributor's license,
18 (d) Retailer's license,
19 (e) Special Event Retailer's license (not-for-profit),
20 (f) Railroad license,
21 (g) Boat license,
22 (h) Non-Beverage User's license,
23 (i) Wine-maker's premises license,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this Act.

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

1 specifying the amount, date of delivery, and receipt of the
2 product by the distilling pub; and (v) the distilling pub
3 shall be located no farther than 80 miles from the class 2
4 craft distiller's licensed location.

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

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

18 Class 12. 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
6 by that class 1 brewer to the premises of a licensed class 1
7 brewer wholly owned and operated by the same licensee.

8 Class 13. 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
20 annually transfer up to 3,720,000 gallons of beer manufactured
21 by that class 2 brewer licensee to the premises of a licensed
22 class 2 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
2 permitted production limit; (iii) all beer transferred shall
3 be subject to Article VIII of this Act; (iv) a written record
4 shall be maintained by the brewer and brew pub specifying the
5 amount, date of delivery, and receipt of the product by the
6 brew pub; and (v) the brew pub shall be located no farther than
7 80 miles 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
20 basis in this State must register those agents,
21 representatives, or persons acting on its behalf with the
22 State Commission.

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

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

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

1 license.

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

21 (d) A retailer's license shall allow the licensee to sell
22 and offer for sale at retail, only in the premises specified in
23 the license, alcoholic liquor for use or consumption, but not
24 for resale in any form. Nothing in Public Act 95-634 shall
25 deny, limit, remove, or restrict the ability of a holder of a
26 retailer's license to transfer, deliver, or ship alcoholic

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

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

15 Notwithstanding any other provision of this Act, a retail
16 licensee may sell alcoholic liquors to another retail licensee
17 for resale if the retail licensee presents a completed
18 Emergency Alcohol Resale Application that has been submitted
19 under the conditions specified in Section 6-9.2.

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

1 use or consumption, but not for resale in any form and only at
2 the location and on the specific dates designated for the
3 special event in the license. An applicant for a special event
4 retailer license must (i) furnish with the application: (A) a
5 resale number issued under Section 2c of the Retailers'
6 Occupation Tax Act or evidence that the applicant is
7 registered under Section 2a of the Retailers' Occupation Tax
8 Act, (B) a current, valid exemption identification number
9 issued under Section 1g of the Retailers' Occupation Tax Act,
10 and a certification to the Commission that the purchase of
11 alcoholic liquors will be a tax-exempt purchase, or (C) a
12 statement that the applicant is not registered under Section
13 2a of the Retailers' Occupation Tax Act, does not hold a resale
14 number under Section 2c of the Retailers' Occupation Tax Act,
15 and does not hold an exemption number under Section 1g of the
16 Retailers' Occupation Tax Act, in which event the Commission
17 shall set forth on the special event retailer's license a
18 statement to that effect; (ii) submit with the application
19 proof satisfactory to the State Commission that the applicant
20 will provide dram shop liability insurance in the maximum
21 limits; and (iii) show proof satisfactory to the State
22 Commission that the applicant has obtained local authority
23 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
3 the 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
8 liquors directly from manufacturers, foreign importers,
9 distributors and importing distributors from within or outside
10 this State; and to store such alcoholic liquors in this State;
11 provided that the above powers may be exercised only in
12 connection with the importation, purchase or storage of
13 alcoholic liquors to be sold or dispensed on a club, buffet,
14 lounge or dining car operated on an electric, gas or steam
15 railway in this State; and provided further, that railroad
16 licensees exercising the above powers shall be subject to all
17 provisions of Article VIII of this Act as applied to importing
18 distributors. A railroad license shall also permit the
19 licensee to sell or dispense alcoholic liquors on any club,
20 buffet, lounge or dining car operated on an electric, gas or
21 steam railway regularly operated by a common carrier in this
22 State, but shall not permit the sale for resale of any
23 alcoholic liquors to any licensee within this State. A license
24 shall be obtained for each car in which such sales are made.

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

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

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

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

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

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

1 complies with all of the provisions of Section 6-9 of this Act
2 with respect to registration of such Illinois licensees as may
3 be granted the right to sell such brands at wholesale, and
4 (iii) the foreign importer complies with the provisions of
5 Sections 6-5 and 6-6 of this Act to the same extent that these
6 provisions apply to manufacturers.

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

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

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

1 regulations prescribe.

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

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

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

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

24 (m) A non-resident dealer's license shall permit such
25 licensee to ship into and warehouse alcoholic liquor into this
26 State from any point outside of this State, and to sell such

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

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

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

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

17 A person who holds a class 2 brewer license may
18 simultaneously hold a brew pub license if the class 2 brewer
19 (i) does not, under any circumstance, sell or offer for sale
20 beer manufactured by the class 2 brewer to retail licensees;
21 (ii) does not hold more than 3 brew pub licenses in this State;
22 (iii) does not manufacture more than a combined 3,720,000
23 gallons of beer per year, including the beer manufactured at
24 the brew pub; and (iv) is not a member of or affiliated with,
25 directly or indirectly, a manufacturer that produces more than
26 3,720,000 gallons of beer per year or any other alcoholic

1 liquor.

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

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

25 Nothing in this Act prohibits a distributor or importing
26 distributor from offering credit or a refund for unused,

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

26 For purposes of this subsection (o), an "act of God" means

1 an unforeseeable event, such as a rain or snow storm, hail, a
2 flood, or a similar event, that is the sole cause of the
3 cancellation of an off-site, outdoor event.

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

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

1 provide dram shop liability insurance to the maximum limits
2 and have local authority approval.

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

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

1 distributor or importing distributor delivered to the
2 retailer's premises; and (iii) the unused, salable beer would
3 likely spoil if transferred to the retailer premises.

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

1 for the purpose of ensuring compliance with Public Act 95-634,
2 and an acknowledgement that the wine manufacturer is in
3 compliance with Section 6-2 of this Act. Any third party,
4 except for a common carrier, authorized to ship wine on behalf
5 of a first-class or second-class wine manufacturer's licensee,
6 a first-class or second-class wine-maker's licensee, a limited
7 wine manufacturer's licensee, or a person who is licensed to
8 make wine under the laws of another state shall also be
9 disclosed by the winery shipper's licensee, and a copy of the
10 written appointment of the third-party wine provider, except
11 for a common carrier, to the wine manufacturer shall be filed
12 with the State Commission as a supplement to the winery
13 shipper's license application or any renewal thereof. The
14 winery shipper's license holder shall affirm under penalty of
15 perjury, as part of the winery shipper's license application
16 or renewal, that he or she only ships wine, either directly or
17 indirectly through a third-party provider, from the licensee's
18 own production.

19 Except for a common carrier, a third-party provider
20 shipping wine on behalf of a winery shipper's license holder
21 is the agent of the winery shipper's license holder and, as
22 such, a winery shipper's license holder is responsible for the
23 acts and omissions of the third-party provider acting on
24 behalf of the license holder. A third-party provider, except
25 for a common carrier, that engages in shipping wine into
26 Illinois on behalf of a winery shipper's license holder shall

1 consent to the jurisdiction of the State Commission and the
2 State. Any third-party, except for a common carrier, holding
3 such an appointment shall, by February 1 of each calendar year
4 and upon request by the State Commission or the Department of
5 Revenue, file with the State Commission a statement detailing
6 each shipment made to an Illinois resident. The statement
7 shall include the name and address of the third-party provider
8 filing the statement, the time period covered by the
9 statement, and the following information:

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

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

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

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

1 rule of the State Commission for the administration and
2 enforcement of the provisions of this paragraph is guilty of a
3 Class C misdemeanor. In case of a continuing violation, each
4 day's continuance thereof shall be a separate and distinct
5 offense.

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

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

1 fails to properly register and remit tax under the Use Tax Act
2 or the Retailers' Occupation Tax Act for all wine that is sold
3 by the winery shipper and shipped to persons in this State, the
4 winery shipper's license shall be revoked in accordance with
5 the provisions of Article VII of this Act.

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

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

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

21 (s) A craft distiller tasting permit license shall allow
22 an Illinois licensed class 1 craft distiller or class 2 craft
23 distiller to transfer a portion of its alcoholic liquor
24 inventory from its class 1 craft distiller or class 2 craft
25 distiller licensed premises to the premises specified in the
26 license hereby created and to conduct a sampling, only in the

1 premises specified in the license hereby created, of the
2 transferred alcoholic liquor in accordance with subsection (c)
3 of Section 6-31 of this Act. The transferred alcoholic liquor
4 may not be sold or resold in any form. An applicant for the
5 craft distiller tasting permit license must also submit with
6 the application proof satisfactory to the State Commission
7 that the applicant will provide dram shop liability insurance
8 to the maximum limits and have local authority approval.

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

22 (u) A distilling pub license shall allow the licensee to
23 only (i) manufacture up to 5,000 gallons of spirits per year
24 only on the premises specified in the license, (ii) make sales
25 of the spirits manufactured on the premises or, with the
26 approval of the State Commission, spirits manufactured on

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

15 A distilling pub licensee shall not under any circumstance
16 sell or offer for sale spirits manufactured by the distilling
17 pub licensee to retail licensees.

18 A person who holds a class 2 craft distiller license may
19 simultaneously hold a distilling pub license if the class 2
20 craft distiller (i) does not, under any circumstance, sell or
21 offer for sale spirits manufactured by the class 2 craft
22 distiller to retail licensees; (ii) does not hold more than 3
23 distilling pub licenses in this State; (iii) does not
24 manufacture more than a combined 100,000 gallons of spirits
25 per year, including the spirits manufactured at the distilling
26 pub; and (iv) is not a member of or affiliated with, directly

1 or indirectly, a manufacturer that produces more than 100,000
2 gallons of spirits per year or any other alcoholic liquor.

3 (v) A craft distiller warehouse permit may be issued to
4 the holder of a class 1 craft distiller or class 2 craft
5 distiller license. The craft distiller warehouse permit shall
6 allow the holder to store or warehouse up to 500,000 gallons of
7 spirits manufactured by the holder of the permit at the
8 premises specified on the permit. Sales to non-licensees are
9 prohibited at the premises specified in the craft distiller
10 warehouse permit.

11 (Source: P.A. 100-17, eff. 6-30-17; 100-201, eff. 8-18-17;
12 100-816, eff. 8-13-18; 100-885, eff. 8-14-18; 100-1050, eff.
13 8-23-18; 101-16, eff. 6-14-19; 101-31, eff. 6-28-19; 101-81,
14 eff. 7-12-19; 101-482, eff. 8-23-19; 101-517, eff. 8-23-19;
15 101-615, eff. 12-20-19.)

16 (235 ILCS 5/6-9.2 new)

17 Sec. 6-9.2. Emergency Alcohol Resale Application.

18 (a) If a licensed distributor of wine or spirits fails to
19 meet the requirements under Section 6-9.1 for the holder of
20 that license, any retailer affected by that failure shall have
21 the right to submit an Emergency Alcohol Resale Application to
22 the State Commission.

23 (b) The Emergency Alcohol Resale Application shall set
24 forth the trademark, brand, or name that was requested by the
25 retailer and not delivered within the requested window of time

1 for delivery. No such application shall be valid unless an
2 order has been submitted by a licensed retailer to a licensed
3 distributor and the licensed distributor is unable to make
4 delivery within the requested window of time for delivery.

5 (c) The licensed retailer shall submit the Emergency
6 Alcohol Resale Application and a fee of \$100 to the State
7 Commission. The licensed retailer must simultaneously submit a
8 copy of the Emergency Alcohol Resale Application to its
9 distributor. Submission of a valid application and fee shall
10 constitute the legal right for the licensed retailer to go to
11 another licensed retailer and buy alcohol, within the
12 specified trademark, brand, or name and the requested window
13 of time enumerated in the Emergency Alcohol Resale
14 Application, for resale, in the amount requested and not
15 delivered.

16 (d) The State Commission shall adopt rules for the
17 implementation of this Section.