



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3495

Introduced 2/22/2021, by Rep. William Davis, Katie Stuart and Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Liquor Control Act of 1934. Adds provisions concerning: first class wine-manufacturers, first-class wine-makers, and second-class wine-makers that manufacture beer or spirits; class 1 craft distillers and class 2 craft distillers that manufacture wine or beer; and class 1 brewers and class 2 brewers that manufacture wine or spirits. Prohibits self-distribution exemption holders from being affiliated with a group that produces certain quantities of beer, wine, or spirits (instead of any other alcoholic liquor). Creates the brewery shipper's license and the distillery shipper's license to allow certain licensees to ship beer or spirits. Contains provisions concerning licensing fees; application for a license; recordkeeping; and taxation. Limits home rule powers to regulate the delivery of alcoholic liquor. Removes language providing that any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. Provides that a brew pub licensee may sell no more than 6,200 gallons of beer per year to retail licensees within a 10-mile radius of the licensed premises if the premises are in a city with a population of more than 1,000,000 or within a 50-mile radius of the licensed premises if the premises are in a city with a population of 1,000,000 or less. Deletes a provision specifying that the sale of beer at retail by a brew pub must be in-person. Adds that provisions authorizing delivery and carry out of mixed drinks grant authorization to class 1 craft distillers, wine-maker's premises, brew pubs, and distilling pubs. Removes language repealing the provision concerning delivery and carry out of mixed drinks on June 2, 2021. Makes other changes. Effective immediately.

LRB102 16894 RPS 22305 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE 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 Sections 1-3.33, 3-12, 5-1, 5-3, 6-4, 6-28.8, 6-29.1,  
6 and 10-1 and by adding Sections 6-29.05 and 6-29.06 as  
7 follows:

8 (235 ILCS 5/1-3.33)

9 Sec. 1-3.33. "Brew Pub" means a person who manufactures no  
10 more than 155,000 gallons of beer per year only at a designated  
11 licensed premises to make sales to importing distributors, to  
12 distributors, to retail licensees (but not more than 6,200  
13 gallons of beer per year to retail licensees within a 10-mile  
14 radius of the licensed premises in a city with a population of  
15 more than 1,000,000 or within a 50-mile radius of the licensed  
16 premises in a city with a population of 1,000,000 or less), and  
17 to non-licensees for use and consumption on the premises or  
18 off the premises ~~only~~, who stores beer at the designated  
19 premises, and who is allowed to sell at retail from the  
20 licensed premises, provided that a brew pub licensee shall not  
21 sell for on-premises consumption or off-premises consumption  
22 more than 155,000 gallons per year.

23 (Source: P.A. 99-448, eff. 8-24-15.)

1 (235 ILCS 5/3-12)

2 Sec. 3-12. Powers and duties of State Commission.

3 (a) The State Commission shall have the following powers,  
4 functions, and duties:

5 (1) To receive applications and to issue licenses to  
6 manufacturers, foreign importers, importing distributors,  
7 distributors, non-resident dealers, on premise consumption  
8 retailers, off premise sale retailers, special event  
9 retailer licensees, special use permit licenses, auction  
10 liquor licenses, brew pubs, caterer retailers,  
11 non-beverage users, railroads, including owners and  
12 lessees of sleeping, dining and cafe cars, airplanes,  
13 boats, brokers, and wine maker's premises licensees in  
14 accordance with the provisions of this Act, and to suspend  
15 or revoke such licenses upon the State Commission's  
16 determination, upon notice after hearing, that a licensee  
17 has violated any provision of this Act or any rule or  
18 regulation issued pursuant thereto and in effect for 30  
19 days prior to such violation. Except in the case of an  
20 action taken pursuant to a violation of Section 6-3, 6-5,  
21 or 6-9, any action by the State Commission to suspend or  
22 revoke a licensee's license may be limited to the license  
23 for the specific premises where the violation occurred. An  
24 action for a violation of this Act shall be commenced by  
25 the State Commission within 2 years after the date the

1 State Commission becomes aware of the violation.

2 In lieu of suspending or revoking a license, the  
3 commission may impose a fine, upon the State Commission's  
4 determination and notice after hearing, that a licensee  
5 has violated any provision of this Act or any rule or  
6 regulation issued pursuant thereto and in effect for 30  
7 days prior to such violation.

8 For the purpose of this paragraph (1), when  
9 determining multiple violations for the sale of alcohol to  
10 a person under the age of 21, a second or subsequent  
11 violation for the sale of alcohol to a person under the age  
12 of 21 shall only be considered if it was committed within 5  
13 years after the date when a prior violation for the sale of  
14 alcohol to a person under the age of 21 was committed.

15 The fine imposed under this paragraph may not exceed  
16 \$500 for each violation. Each day that the activity, which  
17 gave rise to the original fine, continues is a separate  
18 violation. The maximum fine that may be levied against any  
19 licensee, for the period of the license, shall not exceed  
20 \$20,000. The maximum penalty that may be imposed on a  
21 licensee for selling a bottle of alcoholic liquor with a  
22 foreign object in it or serving from a bottle of alcoholic  
23 liquor with a foreign object in it shall be the  
24 destruction of that bottle of alcoholic liquor for the  
25 first 10 bottles so sold or served from by the licensee.  
26 For the eleventh bottle of alcoholic liquor and for each

1           third bottle thereafter sold or served from by the  
2           licensee with a foreign object in it, the maximum penalty  
3           that may be imposed on the licensee is the destruction of  
4           the bottle of alcoholic liquor and a fine of up to \$50.

5           Any notice issued by the State Commission to a  
6           licensee for a violation of this Act or any notice with  
7           respect to settlement or offer in compromise shall include  
8           the field report, photographs, and any other supporting  
9           documentation necessary to reasonably inform the licensee  
10          of the nature and extent of the violation or the conduct  
11          alleged to have occurred. The failure to include such  
12          required documentation shall result in the dismissal of  
13          the action.

14          (2) To adopt such rules and regulations consistent  
15          with the provisions of this Act which shall be necessary  
16          to carry on its functions and duties to the end that the  
17          health, safety and welfare of the People of the State of  
18          Illinois shall be protected and temperance in the  
19          consumption of alcoholic liquors shall be fostered and  
20          promoted and to distribute copies of such rules and  
21          regulations to all licensees affected thereby.

22          (3) To call upon other administrative departments of  
23          the State, county and municipal governments, county and  
24          city police departments and upon prosecuting officers for  
25          such information and assistance as it deems necessary in  
26          the performance of its duties.

1           (4) To recommend to local commissioners rules and  
2 regulations, not inconsistent with the law, for the  
3 distribution and sale of alcoholic liquors throughout the  
4 State.

5           (5) To inspect, or cause to be inspected, any premises  
6 in this State where alcoholic liquors are manufactured,  
7 distributed, warehoused, or sold. Nothing in this Act  
8 authorizes an agent of the State Commission to inspect  
9 private areas within the premises without reasonable  
10 suspicion or a warrant during an inspection. "Private  
11 areas" include, but are not limited to, safes, personal  
12 property, and closed desks.

13           (5.1) Upon receipt of a complaint or upon having  
14 knowledge that any person is engaged in business as a  
15 manufacturer, importing distributor, distributor, or  
16 retailer without a license or valid license, to conduct an  
17 investigation. If, after conducting an investigation, the  
18 State Commission is satisfied that the alleged conduct  
19 occurred or is occurring, it may issue a cease and desist  
20 notice as provided in this Act, impose civil penalties as  
21 provided in this Act, notify the local liquor authority,  
22 or file a complaint with the State's Attorney's Office of  
23 the county where the incident occurred or the Attorney  
24 General.

25           (5.2) Upon receipt of a complaint or upon having  
26 knowledge that any person is shipping alcoholic liquor

1 into this State from a point outside of this State if the  
2 shipment is in violation of this Act, to conduct an  
3 investigation. If, after conducting an investigation, the  
4 State Commission is satisfied that the alleged conduct  
5 occurred or is occurring, it may issue a cease and desist  
6 notice as provided in this Act, impose civil penalties as  
7 provided in this Act, notify the foreign jurisdiction, or  
8 file a complaint with the State's Attorney's Office of the  
9 county where the incident occurred or the Attorney  
10 General.

11 (5.3) To receive complaints from licensees, local  
12 officials, law enforcement agencies, organizations, and  
13 persons stating that any licensee has been or is violating  
14 any provision of this Act or the rules and regulations  
15 issued pursuant to this Act. Such complaints shall be in  
16 writing, signed and sworn to by the person making the  
17 complaint, and shall state with specificity the facts in  
18 relation to the alleged violation. If the State Commission  
19 has reasonable grounds to believe that the complaint  
20 substantially alleges a violation of this Act or rules and  
21 regulations adopted pursuant to this Act, it shall conduct  
22 an investigation. If, after conducting an investigation,  
23 the State Commission is satisfied that the alleged  
24 violation did occur, it shall proceed with disciplinary  
25 action against the licensee as provided in this Act.

26 (5.4) To make arrests and issue notices of civil

1 violations where necessary for the enforcement of this  
2 Act.

3 (5.5) To investigate any and all unlicensed activity.

4 (5.6) To impose civil penalties or fines to any person  
5 who, without holding a valid license, engages in conduct  
6 that requires a license pursuant to this Act, in an amount  
7 not to exceed \$20,000 for each offense as determined by  
8 the State Commission. A civil penalty shall be assessed by  
9 the State Commission after a hearing is held in accordance  
10 with the provisions set forth in this Act regarding the  
11 provision of a hearing for the revocation or suspension of  
12 a license.

13 (6) To hear and determine appeals from orders of a  
14 local commission in accordance with the provisions of this  
15 Act, as hereinafter set forth. Hearings under this  
16 subsection shall be held in Springfield or Chicago, at  
17 whichever location is the more convenient for the majority  
18 of persons who are parties to the hearing.

19 (7) The State Commission shall establish uniform  
20 systems of accounts to be kept by all retail licensees  
21 having more than 4 employees, and for this purpose the  
22 State Commission may classify all retail licensees having  
23 more than 4 employees and establish a uniform system of  
24 accounts for each class and prescribe the manner in which  
25 such accounts shall be kept. The State Commission may also  
26 prescribe the forms of accounts to be kept by all retail

1 licenses having more than 4 employees, including, but not  
2 limited to, accounts of earnings and expenses and any  
3 distribution, payment, or other distribution of earnings  
4 or assets, and any other forms, records, and memoranda  
5 which in the judgment of the commission may be necessary  
6 or appropriate to carry out any of the provisions of this  
7 Act, including, but not limited to, such forms, records,  
8 and memoranda as will readily and accurately disclose at  
9 all times the beneficial ownership of such retail licensed  
10 business. The accounts, forms, records, and memoranda  
11 shall be available at all reasonable times for inspection  
12 by authorized representatives of the State Commission or  
13 by any local liquor control commissioner or his or her  
14 authorized representative. The commission may, from time  
15 to time, alter, amend, or repeal, in whole or in part, any  
16 uniform system of accounts, or the form and manner of  
17 keeping accounts.

18 (8) In the conduct of any hearing authorized to be  
19 held by the State Commission, to appoint, at the  
20 commission's discretion, hearing officers to conduct  
21 hearings involving complex issues or issues that will  
22 require a protracted period of time to resolve, to  
23 examine, or cause to be examined, under oath, any  
24 licensee, and to examine or cause to be examined the books  
25 and records of such licensee; to hear testimony and take  
26 proof material for its information in the discharge of its

1 duties hereunder; to administer or cause to be  
2 administered oaths; for any such purpose to issue subpoena  
3 or subpoenas to require the attendance of witnesses and  
4 the production of books, which shall be effective in any  
5 part of this State, and to adopt rules to implement its  
6 powers under this paragraph (8).

7 Any circuit court may, by order duly entered, require  
8 the attendance of witnesses and the production of relevant  
9 books subpoenaed by the State Commission and the court may  
10 compel obedience to its order by proceedings for contempt.

11 (9) To investigate the administration of laws in  
12 relation to alcoholic liquors in this and other states and  
13 any foreign countries, and to recommend from time to time  
14 to the Governor and through him or her to the legislature  
15 of this State, such amendments to this Act, if any, as it  
16 may think desirable and as will serve to further the  
17 general broad purposes contained in Section 1-2 hereof.

18 (10) To adopt such rules and regulations consistent  
19 with the provisions of this Act which shall be necessary  
20 for the control, sale, or disposition of alcoholic liquor  
21 damaged as a result of an accident, wreck, flood, fire, or  
22 other similar occurrence.

23 (11) To develop industry educational programs related  
24 to responsible serving and selling, particularly in the  
25 areas of overserving consumers and illegal underage  
26 purchasing and consumption of alcoholic beverages.

1           (11.1) To license persons providing education and  
2 training to alcohol beverage sellers and servers for  
3 mandatory and non-mandatory training under the Beverage  
4 Alcohol Sellers and Servers Education and Training  
5 (BASSET) programs and to develop and administer a public  
6 awareness program in Illinois to reduce or eliminate the  
7 illegal purchase and consumption of alcoholic beverage  
8 products by persons under the age of 21. Application for a  
9 license shall be made on forms provided by the State  
10 Commission.

11           (12) To develop and maintain a repository of license  
12 and regulatory information.

13           (13) (Blank).

14           (14) On or before April 30, 2008 and every 2 years  
15 thereafter, the State Commission shall present a written  
16 report to the Governor and the General Assembly that shall  
17 be based on a study of the impact of Public Act 95-634 on  
18 the business of soliciting, selling, and shipping wine  
19 from inside and outside of this State directly to  
20 residents of this State. As part of its report, the State  
21 Commission shall provide all of the following information:

22           (A) The amount of State excise and sales tax  
23 revenues generated.

24           (B) The amount of licensing fees received.

25           (C) The number of cases of wine shipped from  
26 inside and outside of this State directly to residents

1 of this State.

2 (D) The number of alcohol compliance operations  
3 conducted.

4 (E) The number of winery shipper's licenses  
5 issued.

6 (F) The number of each of the following: reported  
7 violations; cease and desist notices issued by the  
8 Commission; notices of violations issued by the  
9 Commission and to the Department of Revenue; and  
10 notices and complaints of violations to law  
11 enforcement officials, including, without limitation,  
12 the Illinois Attorney General and the U.S. Department  
13 of Treasury's Alcohol and Tobacco Tax and Trade  
14 Bureau.

15 (15) As a means to reduce the underage consumption of  
16 alcoholic liquors, the State Commission shall conduct  
17 alcohol compliance operations to investigate whether  
18 businesses that are soliciting, selling, and shipping wine  
19 from inside or outside of this State directly to residents  
20 of this State are licensed by this State or are selling or  
21 attempting to sell wine to persons under 21 years of age in  
22 violation of this Act.

23 (16) The State Commission shall, in addition to  
24 notifying any appropriate law enforcement agency, submit  
25 notices of complaints or violations of Sections 6-29 and  
26 6-29.1 by persons who do not hold a winery shipper's

1 license under this Act to the Illinois Attorney General  
2 and to the U.S. Department of Treasury's Alcohol and  
3 Tobacco Tax and Trade Bureau.

4 (17) (A) A person licensed to make wine under the laws  
5 of another state who has a winery shipper's license under  
6 this Act and annually produces less than 25,000 gallons of  
7 wine or a person who has a first-class or second-class  
8 wine manufacturer's license, a first-class or second-class  
9 wine-maker's license, or a limited wine manufacturer's  
10 license under this Act and annually produces less than  
11 25,000 gallons of wine may make application to the  
12 Commission for a self-distribution exemption to allow the  
13 sale of not more than 5,000 gallons of the exemption  
14 holder's wine to retail licensees per year.

15 (B) In the application, which shall be sworn under  
16 penalty of perjury, such person shall state (1) the date  
17 it was established; (2) its volume of production and sales  
18 for each year since its establishment; (3) its efforts to  
19 establish distributor relationships; (4) that a  
20 self-distribution exemption is necessary to facilitate the  
21 marketing of its wine; and (5) that it will comply with the  
22 liquor and revenue laws of the United States, this State,  
23 and any other state where it is licensed.

24 (C) The State Commission shall approve the application  
25 for a self-distribution exemption if such person: (1) is  
26 in compliance with State revenue and liquor laws; (2) is

1 not a member of any affiliated group that produces more  
2 than 25,000 gallons of wine per annum, 930,000 gallons of  
3 beer per annum, or 50,000 gallons of spirits per annum ~~or~~  
4 ~~produces any other alcoholic liquor~~; (3) will not annually  
5 produce for sale more than 25,000 gallons of wine, 930,000  
6 gallons of beer, or 50,000 gallons of spirits; and (4)  
7 will not annually sell more than 5,000 gallons of its wine  
8 to retail licensees.

9 (D) A self-distribution exemption holder shall  
10 annually certify to the State Commission its production of  
11 wine in the previous 12 months and its anticipated  
12 production and sales for the next 12 months. The State  
13 Commission may fine, suspend, or revoke a  
14 self-distribution exemption after a hearing if it finds  
15 that the exemption holder has made a material  
16 misrepresentation in its application, violated a revenue  
17 or liquor law of Illinois, exceeded production of 25,000  
18 gallons of wine, 930,000 gallons of beer, or 50,000  
19 gallons of spirits in any calendar year, or become part of  
20 an affiliated group producing, directly or indirectly,  
21 more than 25,000 gallons of wine, 930,000 gallons of beer,  
22 or 50,000 gallons of spirits ~~or any other alcoholic~~  
23 ~~liquor~~.

24 (E) Except in hearings for violations of this Act or  
25 Public Act 95-634 or a bona fide investigation by duly  
26 sworn law enforcement officials, the State Commission, or

1 its agents, the State Commission shall maintain the  
2 production and sales information of a self-distribution  
3 exemption holder as confidential and shall not release  
4 such information to any person.

5 (F) The State Commission shall issue regulations  
6 governing self-distribution exemptions consistent with  
7 this Section and this Act.

8 (G) Nothing in this paragraph (17) shall prohibit a  
9 self-distribution exemption holder from entering into or  
10 simultaneously having a distribution agreement with a  
11 licensed Illinois distributor.

12 (H) It is the intent of this paragraph (17) to promote  
13 and continue orderly markets. The General Assembly finds  
14 that, in order to preserve Illinois' regulatory  
15 distribution system, it is necessary to create an  
16 exception for smaller makers of wine as their wines are  
17 frequently adjusted in varietals, mixes, vintages, and  
18 taste to find and create market niches sometimes too small  
19 for distributor or importing distributor business  
20 strategies. Limited self-distribution rights will afford  
21 and allow smaller makers of wine access to the marketplace  
22 in order to develop a customer base without impairing the  
23 integrity of the 3-tier system.

24 (18)(A) A class 1 brewer licensee, who must also be  
25 either a licensed brewer or licensed non-resident dealer  
26 and annually manufacture less than 930,000 gallons of

1 beer, may make application to the State Commission for a  
2 self-distribution exemption to allow the sale of not more  
3 than 232,500 gallons of the exemption holder's beer per  
4 year to retail licensees and to brewers, class 1 brewers,  
5 and class 2 brewers that, pursuant to subsection (e) of  
6 Section 6-4 of this Act, sell beer, cider, or both beer and  
7 cider to non-licensees at their breweries.

8 (B) In the application, which shall be sworn under  
9 penalty of perjury, the class 1 brewer licensee shall  
10 state (1) the date it was established; (2) its volume of  
11 beer manufactured and sold for each year since its  
12 establishment; (3) its efforts to establish distributor  
13 relationships; (4) that a self-distribution exemption is  
14 necessary to facilitate the marketing of its beer; and (5)  
15 that it will comply with the alcoholic beverage and  
16 revenue laws of the United States, this State, and any  
17 other state where it is licensed.

18 (C) Any application submitted shall be posted on the  
19 State Commission's website at least 45 days prior to  
20 action by the State Commission. The State Commission shall  
21 approve the application for a self-distribution exemption  
22 if the class 1 brewer licensee: (1) is in compliance with  
23 the State, revenue, and alcoholic beverage laws; (2) is  
24 not a member of any affiliated group that manufactures,  
25 directly or indirectly, more than 930,000 gallons of beer  
26 per annum, 25,000 gallons of wine per annum, or 50,000

1 gallons of spirits per annum ~~or produces any other~~  
2 ~~alcoholic beverages~~; (3) shall not annually manufacture  
3 for sale more than 930,000 gallons of beer, 25,000 gallons  
4 of wine, or 50,000 gallons of spirits; (4) shall not  
5 annually sell more than 232,500 gallons of its beer to  
6 retail licensees or to brewers, class 1 brewers, and class  
7 2 brewers that, pursuant to subsection (e) of Section 6-4  
8 of this Act, sell beer, cider, or both beer and cider to  
9 non-licensees at their breweries; and (5) has relinquished  
10 any brew pub license held by the licensee, including any  
11 ownership interest it held in the licensed brew pub.

12 (D) A self-distribution exemption holder shall  
13 annually certify to the State Commission its manufacture  
14 of beer during the previous 12 months and its anticipated  
15 manufacture and sales of beer for the next 12 months. The  
16 State Commission may fine, suspend, or revoke a  
17 self-distribution exemption after a hearing if it finds  
18 that the exemption holder has made a material  
19 misrepresentation in its application, violated a revenue  
20 or alcoholic beverage law of Illinois, exceeded the  
21 manufacture of 930,000 gallons of beer, 25,000 gallons of  
22 wine, or 50,000 gallons of spirits in any calendar year or  
23 became part of an affiliated group manufacturing more than  
24 930,000 gallons of beer, 25,000 gallons of wine, or 50,000  
25 gallons of spirits ~~or any other alcoholic beverage~~.

26 (E) The State Commission shall issue rules and

1 regulations governing self-distribution exemptions  
2 consistent with this Act.

3 (F) Nothing in this paragraph (18) shall prohibit a  
4 self-distribution exemption holder from entering into or  
5 simultaneously having a distribution agreement with a  
6 licensed Illinois importing distributor or a distributor.  
7 If a self-distribution exemption holder enters into a  
8 distribution agreement and has assigned distribution  
9 rights to an importing distributor or distributor, then  
10 the self-distribution exemption holder's distribution  
11 rights in the assigned territories shall cease in a  
12 reasonable time not to exceed 60 days.

13 (G) It is the intent of this paragraph (18) to promote  
14 and continue orderly markets. The General Assembly finds  
15 that in order to preserve Illinois' regulatory  
16 distribution system, it is necessary to create an  
17 exception for smaller manufacturers in order to afford and  
18 allow such smaller manufacturers of beer access to the  
19 marketplace in order to develop a customer base without  
20 impairing the integrity of the 3-tier system.

21 (19) (A) A class 1 craft distiller licensee or a  
22 non-resident dealer who manufactures less than 50,000  
23 gallons of distilled spirits per year may make application  
24 to the State Commission for a self-distribution exemption  
25 to allow the sale of not more than 5,000 gallons of the  
26 exemption holder's spirits to retail licensees per year.

1 (B) In the application, which shall be sworn under  
2 penalty of perjury, the class 1 craft distiller licensee  
3 or non-resident dealer shall state (1) the date it was  
4 established; (2) its volume of spirits manufactured and  
5 sold for each year since its establishment; (3) its  
6 efforts to establish distributor relationships; (4) that a  
7 self-distribution exemption is necessary to facilitate the  
8 marketing of its spirits; and (5) that it will comply with  
9 the alcoholic beverage and revenue laws of the United  
10 States, this State, and any other state where it is  
11 licensed.

12 (C) Any application submitted shall be posted on the  
13 State Commission's website at least 45 days prior to  
14 action by the State Commission. The State Commission shall  
15 approve the application for a self-distribution exemption  
16 if the applicant: (1) is in compliance with State revenue  
17 and alcoholic beverage laws; (2) is not a member of any  
18 affiliated group that produces, directly or indirectly,  
19 more than 50,000 gallons of spirits per annum, 930,000  
20 gallons of beer per annum, or 25,000 gallons of wine per  
21 annum ~~or produces any other alcoholic liquor~~; (3) does not  
22 annually manufacture for sale more than 50,000 gallons of  
23 spirits, 930,000 gallons of beer, or 25,000 gallons of  
24 wine; and (4) does not annually sell more than 5,000  
25 gallons of its spirits to retail licensees.

26 (D) A self-distribution exemption holder shall

1 annually certify to the State Commission its manufacture  
2 of spirits during the previous 12 months and its  
3 anticipated manufacture and sales of spirits for the next  
4 12 months. The State Commission may fine, suspend, or  
5 revoke a self-distribution exemption after a hearing if it  
6 finds that the exemption holder has made a material  
7 misrepresentation in its application, violated a revenue  
8 or alcoholic beverage law of Illinois, exceeded the  
9 manufacture of 50,000 gallons of spirits, 930,000 gallons  
10 of beer, or 25,000 gallons of wine in any calendar year, or  
11 has become part of an affiliated group manufacturing more  
12 than 50,000 gallons of spirits, 930,000 gallons of beer,  
13 or 25,000 gallons of wine ~~or any other alcoholic beverage.~~

14 (E) The State Commission shall adopt rules governing  
15 self-distribution exemptions consistent with this Act.

16 (F) Nothing in this paragraph (19) shall prohibit a  
17 self-distribution exemption holder from entering into or  
18 simultaneously having a distribution agreement with a  
19 licensed Illinois importing distributor or a distributor.

20 (G) It is the intent of this paragraph (19) to promote  
21 and continue orderly markets. The General Assembly finds  
22 that in order to preserve Illinois' regulatory  
23 distribution system, it is necessary to create an  
24 exception for smaller manufacturers in order to afford and  
25 allow such smaller manufacturers of spirits access to the  
26 marketplace in order to develop a customer base without

1           impairing the integrity of the 3-tier system.

2           (20) (A) A brew pub licensee who must annually  
3 manufacture less than 155,000 gallons of beer may make  
4 application to the State Commission for a  
5 self-distribution exemption to allow the sale of not more  
6 than 6,200 gallons of the exemption holder's beer per year  
7 to retail licensees and to brewers, class 1 brewers, and  
8 class 2 brewers that, pursuant to subsection (e) of  
9 Section 6-4 of this Act, sell beer, cider, or both beer and  
10 cider to non-licensees at their breweries.

11           (B) In the application, which shall be sworn under  
12 penalty of perjury, the brew pub licensee shall state: (1)  
13 the date it was established; (2) its volume of beer  
14 manufactured and sold for each year since its  
15 establishment; (3) its efforts to establish distributor  
16 relationships; (4) that a self-distribution exemption is  
17 necessary to facilitate the marketing of its beer; and (5)  
18 that it will comply with the alcoholic beverage and  
19 revenue laws of the United States, this State, and any  
20 other state where it is licensed.

21           (C) Any application submitted shall be posted on the  
22 State Commission's website at least 45 days prior to  
23 action by the State Commission. The State Commission shall  
24 approve the application for a self-distribution exemption  
25 if the brew pub licensee: (1) is in compliance with the  
26 State, revenue, and alcoholic beverage laws; (2) is not a

1 member of any affiliated group that manufacturers,  
2 directly or indirectly, more than 3,720,000 gallons of  
3 beer per annum, 100,000 gallons of wine per annum, or  
4 100,000 gallons of spirits per annum; (3) shall not  
5 annually manufacture for sale more than 155,000 gallons of  
6 beer; and (4) shall not annually sell more than 6,200  
7 gallons of beer to retail licensees or to brewers, class 1  
8 brewers, and class 2 brewers that, pursuant to subsection  
9 (e) of Section 6-4 of this Act, sell beer, cider, or both  
10 beer and cider to non-licensees at their breweries.

11 (D) A self-distribution exemption holder shall  
12 annually certify to the State Commission its manufacture  
13 of beer during the previous 12 months and its anticipated  
14 manufacture and sales of beer for the next 12 months. The  
15 State Commission may fine, suspend, or revoke a  
16 self-distribution exemption after a hearing if it finds  
17 that the exemption holder has made a material  
18 misrepresentation in its application, violated a revenue  
19 or alcoholic beverage law of Illinois, exceeded the  
20 manufacture of 155,000 gallons of beer in any calendar  
21 year or became part of an affiliated group manufacturing  
22 more than 3,720,000 gallons of beer, 100,000 gallons of  
23 wine, or 100,000 gallons of spirits.

24 (E) The State Commission shall issue rules and  
25 regulations governing self-distribution exemptions  
26 consistent with this Act.

1           (F) Nothing in this paragraph (20) shall prohibit a  
2           self-distribution exemption holder from entering into or  
3           simultaneously having a distribution agreement with a  
4           licensed Illinois importing distributor or a distributor.  
5           If a self-distribution exemption holder enters into a  
6           distribution agreement and has assigned distribution  
7           rights to an importing distributor or distributor, then  
8           the self-distribution exemption holder's distribution  
9           rights in the assigned territories shall cease in a  
10          reasonable time not to exceed 60 days.

11          (G) It is the intent of this paragraph (20) to promote  
12          and continue orderly markets. The General Assembly finds  
13          that in order to preserve Illinois' regulatory  
14          distribution system, it is necessary to create an  
15          exception for smaller manufacturers in order to afford and  
16          allow such smaller manufacturers of beer access to the  
17          marketplace in order to develop a customer base without  
18          impairing the integrity of the 3-tier system.

19          (b) On or before April 30, 1999, the Commission shall  
20          present a written report to the Governor and the General  
21          Assembly that shall be based on a study of the impact of Public  
22          Act 90-739 on the business of soliciting, selling, and  
23          shipping alcoholic liquor from outside of this State directly  
24          to residents of this State.

25          As part of its report, the Commission shall provide the  
26          following information:

1 (i) the amount of State excise and sales tax revenues  
2 generated as a result of Public Act 90-739;

3 (ii) the amount of licensing fees received as a result  
4 of Public Act 90-739;

5 (iii) the number of reported violations, the number of  
6 cease and desist notices issued by the Commission, the  
7 number of notices of violations issued to the Department  
8 of Revenue, and the number of notices and complaints of  
9 violations to law enforcement officials.

10 (Source: P.A. 100-134, eff. 8-18-17; 100-201, eff. 8-18-17;  
11 100-816, eff. 8-13-18; 100-1012, eff. 8-21-18; 100-1050, eff.  
12 8-23-18; 101-37, eff. 7-3-19; 101-81, eff. 7-12-19; 101-482,  
13 eff. 8-23-19; revised 9-20-19.)

14 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

17 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
18 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
19 Manufacturer, Class 5. Second Class Wine Manufacturer, Class  
20 6. First Class Winemaker, Class 7. Second Class Winemaker,  
21 Class 8. Limited Wine Manufacturer, Class 9. Craft Distiller,  
22 Class 10. Class 1 Craft Distiller, Class 11. Class 2 Craft  
23 Distiller, Class 12. Class 1 Brewer, Class 13. Class 2 Brewer,

24 (b) Distributor's license,

25 (c) Importing Distributor's license,

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

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

26 (a) A manufacturer's license shall allow the manufacture,

1 importation in bulk, storage, distribution and sale of  
2 alcoholic liquor to persons without the State, as may be  
3 permitted by law and to licensees in this State as follows:

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

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

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

15 Class 4. A first class wine-manufacturer may make sales  
16 and deliveries of up to 50,000 gallons of wine to  
17 manufacturers, importing distributors and distributors, and to  
18 no other licensees. If a first class wine-manufacturer  
19 manufactures beer, it shall obtain a class 1 brewer license  
20 only, shall not manufacture more than 930,000 gallons of beer  
21 per year, and shall not be a member of or affiliated with,  
22 directly or indirectly, a manufacturer that produces more than  
23 930,000 gallons of beer per year. If the first class  
24 wine-manufacturer manufactures spirits, it shall obtain a  
25 class 1 craft distiller license only, shall not manufacture  
26 more than 50,000 gallons of spirits per year, and shall not be

1 a member of or affiliated with, directly or indirectly, a  
2 manufacturer that produces more than 50,000 gallons of spirits  
3 per year. A first class wine-manufacturer shall be permitted  
4 to sell wine manufactured at the first class wine-manufacturer  
5 premises to non-licensees.

6 Class 5. A second class Wine manufacturer may make sales  
7 and deliveries of more than 50,000 gallons of wine to  
8 manufacturers, importing distributors and distributors and to  
9 no other licensees.

10 Class 6. A first-class wine-maker's license shall allow  
11 the manufacture of up to 50,000 gallons of wine per year, and  
12 the storage and sale of such wine to distributors in the State  
13 and to persons without the State, as may be permitted by law. A  
14 person who, prior to June 1, 2008 (the effective date of Public  
15 Act 95-634), is a holder of a first-class wine-maker's license  
16 and annually produces more than 25,000 gallons of its own wine  
17 and who distributes its wine to licensed retailers shall cease  
18 this practice on or before July 1, 2008 in compliance with  
19 Public Act 95-634. If a first-class wine-maker manufactures  
20 beer, it shall obtain a class 1 brewer license only, shall not  
21 manufacture more than 930,000 gallons of beer per year, and  
22 shall not be a member of or affiliated with, directly or  
23 indirectly, a manufacturer that produces more than 930,000  
24 gallons of beer per year. If a first-class wine-maker  
25 manufactures spirits, it shall obtain a class 1 craft  
26 distiller license only, shall not manufacture more than 50,000

1 gallons of spirits per year, and shall not be a member of or  
2 affiliated with, directly or indirectly, a manufacturer that  
3 produces more than 50,000 gallons of spirits per year. A  
4 first-class wine-maker holding a class 1 brewer license or a  
5 class 1 craft distiller license shall not be eligible for a  
6 wine-maker's premises license but shall be permitted to sell  
7 wine manufactured at the first-class wine-maker's premises to  
8 non-licensees.

9 Class 7. A second-class wine-maker's license shall allow  
10 the manufacture of up to ~~of between 50,000 and~~ 150,000 gallons  
11 of wine per year, and the storage and sale of such wine to  
12 distributors in this State and to persons without the State,  
13 as may be permitted by law. A person who, prior to June 1, 2008  
14 (the effective date of Public Act 95-634), is a holder of a  
15 second-class wine-maker's license and annually produces more  
16 than 25,000 gallons of its own wine and who distributes its  
17 wine to licensed retailers shall cease this practice on or  
18 before July 1, 2008 in compliance with Public Act 95-634. If a  
19 second-class wine-maker manufactures beer, it shall obtain a  
20 class 2 brewer license only, shall not manufacture more than  
21 3,720,000 gallons of beer per year, and shall not be a member  
22 of or affiliated with, directly or indirectly, a manufacturer  
23 that produces more than 3,720,000 gallons of beer per year. If  
24 a second-class wine-maker manufactures spirits, it shall  
25 obtain a class 2 craft distiller license only, shall not  
26 manufacture more than 150,000 gallons of spirits per year, and

1 shall not be a member of or affiliated with, directly or  
2 indirectly, a manufacturer that produces more than 100,000  
3 gallons of spirits per year.

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

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

17 Class 10. A class 1 craft distiller license, which may  
18 only be issued to a licensed craft distiller or licensed  
19 non-resident dealer, shall allow the manufacture of up to  
20 50,000 gallons of spirits per year provided that the class 1  
21 craft distiller licensee does not manufacture more than a  
22 combined 50,000 gallons of spirits per year and is not a member  
23 of or affiliated with, directly or indirectly, a manufacturer  
24 that produces more than 50,000 gallons of spirits per year ~~or~~  
25 ~~any other alcoholic liquor.~~ If a class 1 craft distiller  
26 manufactures beer, it shall obtain a class 1 brewer license

1 only, shall not manufacture more than 930,000 gallons of beer  
2 per year, and shall not be a member of or affiliated with,  
3 directly or indirectly, a manufacturer that produces more than  
4 930,000 gallons of beer per year. If a class 1 craft distiller  
5 manufactures wine, it shall obtain a first class  
6 wine-manufacturer license or a first-class wine-makers license  
7 only, shall not manufacture more than 50,000 gallons of wine  
8 per year, and shall not be a member of or affiliated with,  
9 directly or indirectly, a manufacturer that produces more than  
10 50,000 gallons of wine per year. A class 1 craft distiller  
11 licensee may make sales and deliveries to importing  
12 distributors and distributors and to retail licensees in  
13 accordance with the conditions set forth in paragraph (19) of  
14 subsection (a) of Section 3-12 of this Act. However, the  
15 aggregate amount of spirits sold to non-licensees and sold or  
16 delivered to retail licensees may not exceed 5,000 gallons per  
17 year.

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

26 A class 1 craft distiller licensee may hold more than one

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

9 Class 11. A class 2 craft distiller license, which may  
10 only be issued to a licensed craft distiller or licensed  
11 non-resident dealer, shall allow the manufacture of up to  
12 100,000 gallons of spirits per year provided that the class 2  
13 craft distiller licensee does not manufacture more than a  
14 combined 100,000 gallons of spirits per year and is not a  
15 member of or affiliated with, directly or indirectly, a  
16 manufacturer that produces more than 100,000 gallons of  
17 spirits per year ~~or any other alcoholic liquor~~. If a class 2  
18 craft distiller manufactures beer, it shall obtain a class 2  
19 brewer license only, shall not manufacture more than 3,720,000  
20 gallons of beer per year, and shall not be a member of or  
21 affiliated with, directly or indirectly, a manufacturer that  
22 produces more than 3,720,000 gallons of beer per year. If a  
23 class 2 craft distiller manufactures wine, it shall obtain a  
24 second-class wine-maker's license only, shall not manufacture  
25 more than 150,000 gallons of wine per year, and shall not be a  
26 member of or affiliated with, directly or indirectly, a

1 manufacturer that produces more than 150,000 gallons of wine  
2 per year. A class 2 craft distiller licensee may make sales and  
3 deliveries to importing distributors and distributors, but  
4 shall not make sales or deliveries to any other licensee. If  
5 the State Commission provides prior approval, a class 2 craft  
6 distiller licensee may annually transfer up to 100,000 gallons  
7 of spirits manufactured by that class 2 craft distiller  
8 licensee to the premises of a licensed class 2 craft distiller  
9 wholly owned and operated by the same licensee. A class 2 craft  
10 distiller may transfer spirits to a distilling pub wholly  
11 owned and operated by the class 2 craft distiller subject to  
12 the following limitations and restrictions: (i) the transfer  
13 shall not annually exceed more than 5,000 gallons; (ii) the  
14 annual amount transferred shall reduce the distilling pub's  
15 annual permitted production limit; (iii) all spirits  
16 transferred shall be subject to Article VIII of this Act; (iv)  
17 a written record shall be maintained by the distiller and  
18 distilling pub specifying the amount, date of delivery, and  
19 receipt of the product by the distilling pub; and (v) the  
20 distilling pub shall be located no farther than 80 miles from  
21 the class 2 craft distiller's licensed location.

22 A class 2 craft distiller shall, prior to transferring  
23 spirits to a distilling pub wholly owned by the class 2 craft  
24 distiller, furnish a written notice to the State Commission of  
25 intent to transfer spirits setting forth the name and address  
26 of the distilling pub and shall annually submit to the State

1 Commission a verified report identifying the total gallons of  
2 spirits transferred to the distilling pub wholly owned by the  
3 class 2 craft distiller.

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

9 Class 12. A class 1 brewer license, which may only be  
10 issued to a licensed brewer or licensed non-resident dealer,  
11 shall allow the manufacture of up to 930,000 gallons of beer  
12 per year provided that the class 1 brewer licensee does not  
13 manufacture more than a combined 930,000 gallons of beer per  
14 year and is not a member of or affiliated with, directly or  
15 indirectly, a manufacturer that produces more than 930,000  
16 gallons of beer per year ~~or any other alcoholic liquor~~. If a  
17 class 1 brewer manufactures spirits, it shall obtain a class 1  
18 craft distiller license only, shall not manufacture more than  
19 50,000 gallons of spirits per year, and shall not be a member  
20 of or affiliated with, directly or indirectly, a manufacturer  
21 that produces more than 50,000 gallons of spirits per year. If  
22 a class 1 craft brewer manufactures wine, it shall obtain a  
23 first class wine-manufacturer license or a first-class  
24 wine-makers license only, shall not manufacture more than  
25 50,000 gallons of wine per year, and shall not be a member of  
26 or affiliated with, directly or indirectly, a manufacturer

1 that produces more than 50,000 gallons of wine per year. A  
2 class 1 brewer licensee may make sales and deliveries to  
3 importing distributors and distributors and to retail  
4 licensees in accordance with the conditions set forth in  
5 paragraph (18) of subsection (a) of Section 3-12 of this Act.  
6 If the State Commission provides prior approval, a class 1  
7 brewer may annually transfer up to 930,000 gallons of beer  
8 manufactured by that class 1 brewer to the premises of a  
9 licensed class 1 brewer wholly owned and operated by the same  
10 licensee.

11 Class 13. A class 2 brewer license, which may only be  
12 issued to a licensed brewer or licensed non-resident dealer,  
13 shall allow the manufacture of up to 3,720,000 gallons of beer  
14 per year provided that the class 2 brewer licensee does not  
15 manufacture more than a combined 3,720,000 gallons of beer per  
16 year and is not a member of or affiliated with, directly or  
17 indirectly, a manufacturer that produces more than 3,720,000  
18 gallons of beer per year ~~or any other alcoholic liquor.~~ If a  
19 class 2 brewer manufactures spirits, it shall obtain a class 2  
20 craft distiller license only, shall not manufacture more than  
21 100,000 gallons of spirits per year, and shall not be a member  
22 of or affiliated with, directly or indirectly, a manufacturer  
23 that produces more than 100,000 gallons of spirits per year.  
24 If a class 2 craft distiller manufactures wine, it shall  
25 obtain a second-class wine-maker's license only, shall not  
26 manufacture more than 150,000 gallons of wine per year, and

1 shall not be a member of or affiliated with, directly or  
2 indirectly, a manufacturer that produces more than 150,000  
3 gallons of wine a year. A class 2 brewer licensee may make  
4 sales and deliveries to importing distributors and  
5 distributors, but shall not make sales or deliveries to any  
6 other licensee. If the State Commission provides prior  
7 approval, a class 2 brewer licensee may annually transfer up  
8 to 3,720,000 gallons of beer manufactured by that class 2  
9 brewer licensee to the premises of a licensed class 2 brewer  
10 wholly owned and operated by the same licensee.

11 A class 2 brewer may transfer beer to a brew pub wholly  
12 owned and operated by the class 2 brewer subject to the  
13 following limitations and restrictions: (i) the transfer shall  
14 not annually exceed more than 31,000 gallons; (ii) the annual  
15 amount transferred shall reduce the brew pub's annual  
16 permitted production limit; (iii) all beer transferred shall  
17 be subject to Article VIII of this Act; (iv) a written record  
18 shall be maintained by the brewer and brew pub specifying the  
19 amount, date of delivery, and receipt of the product by the  
20 brew pub; and (v) the brew pub shall be located no farther than  
21 80 miles from the class 2 brewer's licensed location.

22 A class 2 brewer shall, prior to transferring beer to a  
23 brew pub wholly owned by the class 2 brewer, furnish a written  
24 notice to the State Commission of intent to transfer beer  
25 setting forth the name and address of the brew pub and shall  
26 annually submit to the State Commission a verified report

1 identifying the total gallons of beer transferred to the brew  
2 pub wholly owned by the class 2 brewer.

3 (a-1) A manufacturer which is licensed in this State to  
4 make sales or deliveries of alcoholic liquor to licensed  
5 distributors or importing distributors and which enlists  
6 agents, representatives, or individuals acting on its behalf  
7 who contact licensed retailers on a regular and continual  
8 basis in this State must register those agents,  
9 representatives, or persons acting on its behalf with the  
10 State Commission.

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

1 Commission's website.

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

16 (c) An importing distributor's license may be issued to  
17 and held by those only who are duly licensed distributors,  
18 upon the filing of an application by a duly licensed  
19 distributor, with the Commission and the Commission shall,  
20 without the payment of any fee, immediately issue such  
21 importing distributor's license to the applicant, which shall  
22 allow the importation of alcoholic liquor by the licensee into  
23 this State from any point in the United States outside this  
24 State, and the purchase of alcoholic liquor in barrels, casks  
25 or other bulk containers and the bottling of such alcoholic  
26 liquors before resale thereof, but all bottles or containers

1 so filled shall be sealed, labeled, stamped and otherwise made  
2 to comply with all provisions, rules and regulations governing  
3 manufacturers in the preparation and bottling of alcoholic  
4 liquors. The importing distributor's license shall permit such  
5 licensee to purchase alcoholic liquor from Illinois licensed  
6 non-resident dealers and foreign importers only. No person  
7 licensed as an importing distributor shall be granted a  
8 non-resident dealer's license.

9 (d) A retailer's license shall allow the licensee to sell  
10 and offer for sale at retail, only in the premises specified in  
11 the license, alcoholic liquor for use or consumption, but not  
12 for resale in any form. Nothing in Public Act 95-634 shall  
13 deny, limit, remove, or restrict the ability of a holder of a  
14 retailer's license to transfer, deliver, or ship alcoholic  
15 liquor to the purchaser for use or consumption subject to any  
16 applicable local law or ordinance. ~~Any retail license issued  
17 to a manufacturer shall only permit the manufacturer to sell  
18 beer at retail on the premises actually occupied by the  
19 manufacturer.~~ For the purpose of further describing the type  
20 of business conducted at a retail licensed premises, a  
21 retailer's licensee may be designated by the State Commission  
22 as (i) an on premise consumption retailer, (ii) an off premise  
23 sale retailer, or (iii) a combined on premise consumption and  
24 off premise sale retailer.

25 Notwithstanding any other provision of this subsection  
26 (d), a retail licensee may sell alcoholic liquors to a special

1 event retailer licensee for resale to the extent permitted  
2 under subsection (e).

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

1 statement to that effect; (ii) submit with the application  
2 proof satisfactory to the State Commission that the applicant  
3 will provide dram shop liability insurance in the maximum  
4 limits; and (iii) show proof satisfactory to the State  
5 Commission that the applicant has obtained local authority  
6 approval.

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

13 (f) A railroad license shall permit the licensee to import  
14 alcoholic liquors into this State from any point in the United  
15 States outside this State and to store such alcoholic liquors  
16 in this State; to make wholesale purchases of alcoholic  
17 liquors directly from manufacturers, foreign importers,  
18 distributors and importing distributors from within or outside  
19 this State; and to store such alcoholic liquors in this State;  
20 provided that the above powers may be exercised only in  
21 connection with the importation, purchase or storage of  
22 alcoholic liquors to be sold or dispensed on a club, buffet,  
23 lounge or dining car operated on an electric, gas or steam  
24 railway in this State; and provided further, that railroad  
25 licensees exercising the above powers shall be subject to all  
26 provisions of Article VIII of this Act as applied to importing

1 distributors. A railroad license shall also permit the  
 2 licensee to sell or dispense alcoholic liquors on any club,  
 3 buffet, lounge or dining car operated on an electric, gas or  
 4 steam railway regularly operated by a common carrier in this  
 5 State, but shall not permit the sale for resale of any  
 6 alcoholic liquors to any licensee within this State. A license  
 7 shall be obtained for each car in which such sales are made.

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

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

- 24 Class 1, not to exceed ..... 500 gallons
- 25 Class 2, not to exceed ..... 1,000 gallons
- 26 Class 3, not to exceed ..... 5,000 gallons

1 Class 4, not to exceed ..... 10,000 gallons

2 Class 5, not to exceed ..... 50,000 gallons

3 (i) A wine-maker's premises license shall allow a licensee  
4 that concurrently holds a first-class wine-maker's license to  
5 sell and offer for sale at retail in the premises specified in  
6 such license not more than 50,000 gallons of the first-class  
7 wine-maker's wine that is made at the first-class wine-maker's  
8 licensed premises per year for use or consumption, but not for  
9 resale in any form. A first-class wine-maker that concurrently  
10 holds a class 1 brewer license or a class 1 craft distiller  
11 license shall not be eligible to hold a wine-maker's premises  
12 license. A wine-maker's premises license shall allow a  
13 licensee who concurrently holds a second-class wine-maker's  
14 license to sell and offer for sale at retail in the premises  
15 specified in such license up to 100,000 gallons of the  
16 second-class wine-maker's wine that is made at the  
17 second-class wine-maker's licensed premises per year for use  
18 or consumption but not for resale in any form. A wine-maker's  
19 premises license shall allow a licensee that concurrently  
20 holds a first-class wine-maker's license or a second-class  
21 wine-maker's license to sell and offer for sale at retail at  
22 the premises specified in the wine-maker's premises license,  
23 for use or consumption but not for resale in any form, any  
24 beer, wine, and spirits purchased from a licensed distributor.  
25 Upon approval from the State Commission, a wine-maker's  
26 premises license shall allow the licensee to sell and offer

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

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

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

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

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

1 importer, whether such solicitation or offer is consummated  
2 within or without the State of Illinois.

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

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

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

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

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

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

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

1 non-resident dealer shall be granted a distributor's or  
2 importing distributor's license.

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

1 more than 6,200 gallons of beer per year to retail licensees  
2 within a 10-mile radius of the licensed premises if the  
3 premises are in a city with a population of more than 1,000,000  
4 or within a 50-mile radius of the licensed premises if the  
5 premises are in a city with a population of 1,000,000 or less.

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

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

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

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

7 Except as provided in Section 6-16 or 6-23, nothing in  
8 this Act shall deny, limit, remove, or restrict the ability of  
9 a holder of a brew pub license to transfer or ship alcoholic  
10 liquor to the purchaser for use or consumption subject to any  
11 applicable local law or ordinance. Except as provided in  
12 Section 6-16 or 6-23, nothing in this Act shall deny, limit,  
13 remove, or restrict the ability of a holder of a brew pub  
14 license to deliver alcoholic liquor to the purchaser for use  
15 or consumption. The delivery shall be made only within 12  
16 hours after the alcoholic liquor leaves the licensed premises  
17 of the brew pub for delivery.

18 Except for a municipality with a population of more than  
19 1,000,000 inhabitants, a home rule unit may not regulate the  
20 delivery of alcoholic liquor in a manner inconsistent with  
21 this subsection. This paragraph is a limitation under  
22 subsection (i) of Section 6 of Article VII of the Illinois  
23 Constitution on the concurrent exercise by home rule units of  
24 powers and functions exercised by the State.

25 For the purposes of this subsection, "delivery" means the  
26 movement of alcoholic liquor purchased from a licensed brew

1 pub to a consumer through the following methods:

2 (1) delivery within the licensed brew pub parking lot,  
3 including curbside, for pickup by the consumer;

4 (2) delivery by an owner, officer, director,  
5 shareholder, or employee of the licensed brew pub; or

6 (3) delivery by a third-party contractor, independent  
7 contractor, or agent with whom the licensed brew pub has  
8 contracted to make deliveries of alcoholic liquors.

9 Under paragraph (1), (2), or (3) of this subsection,  
10 "delivery" does not include the use of common carriers.

11 For the purposes of this subsection, "ship" means to move  
12 alcoholic liquor from a licensed brew pub to a consumer via a  
13 common carrier.

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

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

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

25 For purposes of this subsection (o), an "act of God" means  
26 an unforeseeable event, such as a rain or snow storm, hail, a

1 flood, or a similar event, that is the sole cause of the  
2 cancellation of an off-site, outdoor event.

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

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

1 and have local authority approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 gallons of spirits per year or any other alcoholic liquor.

2 Except as provided in Section 6-16 or 6-23, nothing in  
3 this Act shall deny, limit, remove, or restrict the ability of  
4 a holder of a distilling pub license to transfer or ship  
5 alcoholic liquor to the purchaser for use or consumption  
6 subject to any applicable local law or ordinance. Except as  
7 provided in Section 6-16 or 6-23, nothing in this Act shall  
8 deny, limit, remove, or restrict the ability of a holder of a  
9 distilling pub license to deliver alcoholic liquor to the  
10 purchaser for use or consumption. The delivery shall be made  
11 only within 12 hours after the alcoholic liquor leaves the  
12 licensed premises of the distilling pub for delivery.

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

20 For the purposes of this subsection, "delivery" means the  
21 movement of alcoholic liquor purchased from a licensed  
22 distilling pub to a consumer through the following methods:

23 (1) delivery within the licensed distilling pub  
24 parking lot, including curbside, for pickup by the  
25 consumer;

26 (2) delivery by an owner, officer, director,

1 shareholder, or employee of the licensed distilling pub;

2 or

3 (3) delivery by a third-party contractor, independent  
4 contractor, or agent with whom the licensed distilling pub  
5 has contracted to make deliveries of alcoholic liquors.

6 Under paragraph (1), (2), or (3) of this subsection,  
7 "delivery" does not include the use of common carriers.

8 For the purposes of this subsection, "ship" means to move  
9 alcoholic liquor from a licensed distilling pub to a consumer  
10 via a common carrier.

11 (v) A craft distiller warehouse permit may be issued to  
12 the holder of a class 1 craft distiller or class 2 craft  
13 distiller license. The craft distiller warehouse permit shall  
14 allow the holder to store or warehouse up to 500,000 gallons of  
15 spirits manufactured by the holder of the permit at the  
16 premises specified on the permit. Sales to non-licensees are  
17 prohibited at the premises specified in the craft distiller  
18 warehouse permit.

19 (w) A brewery shipper's license shall allow a person with  
20 a brewer license or who is licensed to make beer under the laws  
21 of another state to ship beer directly to a resident of this  
22 State who is 21 years of age or older for that resident's  
23 personal use and not for resale. Prior to receiving a brewery  
24 shipper's license, an applicant for the license must provide  
25 the State Commission with a true copy of its current license in  
26 any state in which it is licensed as a brewer. An applicant for

1 a brewery shipper's license must also complete an application  
2 form that provides any other information the State Commission  
3 deems necessary. The application form shall include an  
4 acknowledgement consenting to the jurisdiction of the State  
5 Commission, the Illinois Department of Revenue, and the courts  
6 of this State concerning the enforcement of this Act and any  
7 related laws, rules, and regulations, including authorizing  
8 the Department of Revenue and the State Commission to conduct  
9 audits for the purpose of ensuring compliance with this  
10 amendatory Act of the 102nd General Assembly.

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

1 that is sold by the brewery shipper and shipped to persons in  
2 this State, the brewery shipper's license shall be revoked in  
3 accordance with the provisions of Article VII of this Act.

4 A brewery shipper's licensee must collect, maintain, and  
5 submit to the State Commission on a semi-annual basis the  
6 total gallons of beer per resident shipped to residents of  
7 this State. A brewery shipper licensed under this subsection  
8 must comply with the requirements of Section 6-29 of this Act.

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

13 (x) A distillery shipper's license shall allow a person  
14 with a distiller license or who is licensed to make spirits  
15 under the laws of another state to ship spirits directly to a  
16 resident of this State who is 21 years of age or older for that  
17 resident's personal use and not for resale. Prior to receiving  
18 a distillery shipper's license, an applicant for the license  
19 must provide the State Commission with a true copy of its  
20 current license in any state in which it is licensed as a  
21 distiller. An applicant for a distillery shipper's license  
22 must also complete an application form that provides any other  
23 information the State Commission deems necessary. The  
24 application form shall include an acknowledgement consenting  
25 to the jurisdiction of the State Commission, the Illinois  
26 Department of Revenue, and the courts of this State concerning

1 the enforcement of this Act and any related laws, rules, and  
2 regulations, including authorizing the Department of Revenue  
3 and the State Commission to conduct audits for the purpose of  
4 ensuring compliance with this amendatory Act of the 102nd  
5 General Assembly.

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

26 A distillery shipper's licensee must collect, maintain,

1 and submit to the State Commission on a semi-annual basis the  
2 total gallons of spirits per resident shipped to residents of  
3 this State. A distillery shipper licensed under this  
4 subsection must comply with the requirements of Section 6-29  
5 of this Act.

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

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

15 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

16 Sec. 5-3. License fees. Except as otherwise provided  
17 herein, at the time application is made to the State  
18 Commission for a license of any class, the applicant shall pay  
19 to the State Commission the fee hereinafter provided for the  
20 kind of license applied for.

21 The fee for licenses issued by the State Commission shall  
22 be as follows:

23	Online	Initial
24	renewal	license
25		or

non-online  
renewal

For a manufacturer's license:

1			
2			
3	For a manufacturer's license:		
4	Class 1. Distiller .....	\$4,000	\$5,000
5	Class 2. Rectifier .....	4,000	5,000
6	Class 3. Brewer .....	1,200	1,500
7	Class 4. First-class Wine		
8	Manufacturer .....	750	900
9	Class 5. Second-class		
10	Wine Manufacturer.....	1,500	1,750
11	Class 6. First-class wine-maker....	750	900
12	Class 7. Second-class wine-maker ..	1,500	1,750
13	Class 8. Limited Wine		
14	Manufacturer .....	250	350
15	Class 9. Craft Distiller .....	<del>\$2,000</del>	<del>\$2,500</del>
16	Class 10. Class 1 Craft Distiller ..	50	75
17	Class 11. Class 2 Craft Distiller ..	75	100
18	Class 12. Class 1 Brewer .....	50	75
19	Class 13. Class 2 Brewer .....	75	100
20	For a Brew Pub License .....	1,200	1,500
21	For a Distilling Pub License .....	1,200	1,500
22	For a caterer retailer's license ..	350	500
23	For a foreign importer's license ..	25	25
24	For an importing distributor's		
25	license.....	25	25
26	For a distributor's license		

1	(11,250,000 gallons		
2	or over) .....	1,450	2,200
3	For a distributor's license		
4	(over 4,500,000 gallons, but		
5	under 11,250,000 gallons) .....	950	1,450
6	For a distributor's license		
7	(4,500,000 gallons or under) ..	300	450
8	For a non-resident dealer's license		
9	(500,000 gallons or over) .....	1,200	1,500
10	For a non-resident dealer's license		
11	(under 500,000 gallons) .....	250	350
12	For a wine-maker's premises		
13	license.....	250	500
14	For a winery shipper's license		
15	(under 250,000 gallons) .....	200	350
16	For a winery shipper's license		
17	(250,000 or over, but		
18	under 500,000 gallons) .....	750	1,000
19	For a winery shipper's license		
20	(500,000 gallons or over) .....	1,200	1,500
21	For a wine-maker's premises		
22	license, second location .....	500	1,000
23	For a wine-maker's premises		
24	license, third location.....	500	1,000
25	For a retailer's license .....	600	750
26	For a special event retailer's		

1	license, (not-for-profit).....	25	25
2	For a special use permit license,		
3	one day only .....	100	150
4	2 days or more .....	150	250
5	For a railroad license .....	100	150
6	For a boat license .....	500	1,000
7	For an airplane license, times the		
8	licensee's maximum number of		
9	aircraft in flight, serving		
10	liquor over the State at any		
11	given time, which either		
12	originate, terminate, or make		
13	an intermediate stop in		
14	the State.....	100	150
15	For a non-beverage user's license:		
16	Class 1.....	24	24
17	Class 2.....	60	60
18	Class 3.....	120	120
19	Class 4.....	240	240
20	Class 5.....	600	600
21	For a broker's license .....	750	1,000
22	For an auction liquor license .....	100	150
23	For a homebrewer special		
24	event permit .....	25	25
25	For a craft distiller		
26	tasting permit .....	25	25

1	For a BASSET trainer license .....	300	350
2	For a tasting representative		
3	license.....	200	300
4	For a brewer warehouse permit .....	25	25
5	For a craft distiller		
6	warehouse permit .....	25	25
7	<u>For a brewery shipper's license</u>		
8	<u>(under 3,720,000 gallons).....</u>	<u>200</u>	<u>350</u>
9	<u>For a brewery shipper's license</u>		
10	<u>(3,720,000 gallons or over) ....</u>	<u>1,200</u>	<u>1,500</u>
11	<u>For a distillery shipper's license</u>		
12	<u>(under 100,000 gallons).....</u>	<u>200</u>	<u>350</u>
13	<u>For a distillery shipper's license</u>		
14	<u>(100,000 gallons or over) .....</u>	<u>1,200</u>	<u>1,500</u>

15 Fees collected under this Section shall be paid into the  
 16 Dram Shop Fund. On and after July 1, 2003 and until June 30,  
 17 2016, of the funds received for a retailer's license, in  
 18 addition to the first \$175, an additional \$75 shall be paid  
 19 into the Dram Shop Fund, and \$250 shall be paid into the  
 20 General Revenue Fund. On and after June 30, 2016, one-half of  
 21 the funds received for a retailer's license shall be paid into  
 22 the Dram Shop Fund and one-half of the funds received for a  
 23 retailer's license shall be paid into the General Revenue  
 24 Fund. Beginning June 30, 1990 and on June 30 of each subsequent  
 25 year through June 29, 2003, any balance over \$5,000,000  
 26 remaining in the Dram Shop Fund shall be credited to State

1 liquor licensees and applied against their fees for State  
2 liquor licenses for the following year. The amount credited to  
3 each licensee shall be a proportion of the balance in the Dram  
4 Fund that is the same as the proportion of the license fee paid  
5 by the licensee under this Section for the period in which the  
6 balance was accumulated to the aggregate fees paid by all  
7 licensees during that period.

8 No fee shall be paid for licenses issued by the State  
9 Commission to the following non-beverage users:

10 (a) Hospitals, sanitariums, or clinics when their use  
11 of alcoholic liquor is exclusively medicinal, mechanical  
12 or scientific.

13 (b) Universities, colleges of learning or schools when  
14 their use of alcoholic liquor is exclusively medicinal,  
15 mechanical or scientific.

16 (c) Laboratories when their use is exclusively for the  
17 purpose of scientific research.

18 (Source: P.A. 100-201, eff. 8-18-17; 100-816, eff. 8-13-18;  
19 101-482, eff. 8-23-19; 101-615, eff. 12-20-19; revised  
20 8-19-20.)

21 (235 ILCS 5/6-4) (from Ch. 43, par. 121)

22 Sec. 6-4. (a) No person licensed by any licensing  
23 authority as a distiller, or a wine manufacturer, or any  
24 subsidiary or affiliate thereof, or any officer, associate,  
25 member, partner, representative, employee, agent or

1 shareholder owning more than 5% of the outstanding shares of  
2 such person shall be issued an importing distributor's or  
3 distributor's license, nor shall any person licensed by any  
4 licensing authority as an importing distributor, distributor  
5 or retailer, or any subsidiary or affiliate thereof, or any  
6 officer or associate, member, partner, representative,  
7 employee, agent or shareholder owning more than 5% of the  
8 outstanding shares of such person be issued a distiller's  
9 license, a craft distiller's license, or a wine manufacturer's  
10 license; and no person or persons licensed as a distiller,  
11 craft distiller, class 1 craft distiller, or class 2 craft  
12 distiller by any licensing authority shall have any interest,  
13 directly or indirectly, with such distributor or importing  
14 distributor.

15 However, an importing distributor or distributor, which on  
16 January 1, 1985 is owned by a brewer, or any subsidiary or  
17 affiliate thereof or any officer, associate, member, partner,  
18 representative, employee, agent or shareholder owning more  
19 than 5% of the outstanding shares of the importing distributor  
20 or distributor referred to in this paragraph, may own or  
21 acquire an ownership interest of more than 5% of the  
22 outstanding shares of a wine manufacturer and be issued a wine  
23 manufacturer's license by any licensing authority.

24 (b) The foregoing provisions shall not apply to any person  
25 licensed by any licensing authority as a distiller or wine  
26 manufacturer, or to any subsidiary or affiliate of any

1 distiller or wine manufacturer who shall have been heretofore  
2 licensed by the State Commission as either an importing  
3 distributor or distributor during the annual licensing period  
4 expiring June 30, 1947, and shall actually have made sales  
5 regularly to retailers.

6 (c) Provided, however, that in such instances where a  
7 distributor's or importing distributor's license has been  
8 issued to any distiller or wine manufacturer or to any  
9 subsidiary or affiliate of any distiller or wine manufacturer  
10 who has, during the licensing period ending June 30, 1947,  
11 sold or distributed as such licensed distributor or importing  
12 distributor alcoholic liquors and wines to retailers, such  
13 distiller or wine manufacturer or any subsidiary or affiliate  
14 of any distiller or wine manufacturer holding such  
15 distributor's or importing distributor's license may continue  
16 to sell or distribute to retailers such alcoholic liquors and  
17 wines which are manufactured, distilled, processed or marketed  
18 by distillers and wine manufacturers whose products it sold or  
19 distributed to retailers during the whole or any part of its  
20 licensing periods; and such additional brands and additional  
21 products may be added to the line of such distributor or  
22 importing distributor, provided, that such brands and such  
23 products were not sold or distributed by any distributor or  
24 importing distributor licensed by the State Commission during  
25 the licensing period ending June 30, 1947, but can not sell or  
26 distribute to retailers any other alcoholic liquors or wines.

1 (d) It shall be unlawful for any distiller licensed  
2 anywhere to have any stock ownership or interest in any  
3 distributor's or importing distributor's license wherein any  
4 other person has an interest therein who is not a distiller and  
5 does not own more than 5% of any stock in any distillery.  
6 Nothing herein contained shall apply to such distillers or  
7 their subsidiaries or affiliates, who had a distributor's or  
8 importing distributor's license during the licensing period  
9 ending June 30, 1947, which license was owned in whole by such  
10 distiller, or subsidiaries or affiliates of such distiller.

11 (e) Any person licensed as a brewer, class 1 brewer, or  
12 class 2 brewer shall be permitted to sell on the licensed  
13 premises to non-licensees for on or off-premises consumption  
14 for the premises in which he or she actually conducts such  
15 business: (i) beer manufactured by the brewer, class 1 brewer,  
16 or class 2 brewer; (ii) beer manufactured by any other brewer,  
17 class 1 brewer, or class 2 brewer; and (iii) cider. Such sales  
18 shall be limited to on-premises, in-person sales only, for  
19 lawful consumption on or off premises. Such authorization  
20 shall be considered a privilege granted by the brewer license  
21 and, other than a manufacturer of beer as stated above, no  
22 manufacturer or distributor or importing distributor,  
23 excluding airplane licensees exercising powers provided in  
24 paragraph (i) of Section 5-1 of this Act, or any subsidiary or  
25 affiliate thereof, or any officer, associate, member, partner,  
26 representative, employee or agent, or shareholder shall be

1 issued a retailer's license, nor shall any person having a  
2 retailer's license, excluding airplane licensees exercising  
3 powers provided in paragraph (i) of Section 5-1 of this Act, or  
4 any subsidiary or affiliate thereof, or any officer,  
5 associate, member, partner, representative or agent, or  
6 shareholder be issued a manufacturer's license or importing  
7 distributor's license.

8 A manufacturer of beer that imports or transfers beer into  
9 this State must comply with Sections 6-8 and 8-1 of this Act.

10 A person who holds a class 1 or class 2 brewer license and  
11 is authorized by this Section to sell beer to non-licensees  
12 shall not sell beer to non-licensees from more than 3 total  
13 brewer or commonly owned brew pub licensed locations in this  
14 State. The class 1 or class 2 brewer shall designate to the  
15 State Commission the brewer or brew pub locations from which  
16 it will sell beer to non-licensees.

17 A person licensed as a class 1 craft distiller or a class 2  
18 craft distiller, including a person who holds more than one  
19 class 1 craft distiller or class 2 craft distiller license,  
20 not affiliated with any other person manufacturing spirits may  
21 be authorized by the State Commission to sell (1) up to 5,000  
22 gallons of spirits produced by the person to non-licensees for  
23 on or off-premises consumption for the premises in which he or  
24 she actually conducts business permitting only the retail sale  
25 of spirits manufactured at such premises and (2) vermouth  
26 purchased through a licensed distributor for on-premises

1 consumption. Such sales shall be ~~limited to on-premises,~~  
2 ~~in-person sales only,~~ for lawful consumption on or off  
3 premises, and such authorization shall be considered a  
4 privilege granted by the class 1 craft distiller or class 2  
5 craft distiller license. A class 1 craft distiller or class 2  
6 craft distiller licensed for retail sale shall secure liquor  
7 liability insurance coverage in an amount at least equal to  
8 the maximum liability amounts set forth in subsection (a) of  
9 Section 6-21 of this Act.

10 ~~A class 1 craft distiller or class 2 craft distiller~~  
11 ~~license holder shall not deliver any alcoholic liquor to any~~  
12 ~~non-licensee off the licensed premises.~~ A class 1 craft  
13 distiller or class 2 craft distiller shall affirm in its  
14 annual license application that it does not produce more than  
15 50,000 or 100,000 gallons of distilled spirits annually,  
16 whichever is applicable, and that the craft distiller does not  
17 sell more than 5,000 gallons of spirits to non-licensees for  
18 on or off-premises consumption. In the application, which  
19 shall be sworn under penalty of perjury, the class 1 craft  
20 distiller or class 2 craft distiller shall state the volume of  
21 production and sales for each year since the class 1 craft  
22 distiller's or class 2 craft distiller's establishment.

23 A person who holds a class 1 craft distiller or class 2  
24 craft distiller license and is authorized by this Section to  
25 sell spirits to non-licensees shall not sell spirits to  
26 non-licensees from more than 3 total distillery or commonly

1 owned distilling pub licensed locations in this State. The  
2 class 1 craft distiller or class 2 craft distiller shall  
3 designate to the State Commission the distillery or distilling  
4 pub locations from which it will sell spirits to  
5 non-licensees.

6 (f) (Blank).

7 (f-5) Except as provided in Section 6-16 or 6-23, nothing  
8 in this Act shall deny, limit, remove, or restrict the ability  
9 of a holder of a brewer, class 1 brewer, class 2 brewer, class  
10 1 craft distiller, or class 2 craft distiller license to  
11 transfer or deliver alcoholic liquor to the purchaser for use  
12 or consumption subject to any applicable local law or  
13 ordinance. Except as provided in Section 6-16 or 6-23, nothing  
14 in this Act shall deny, limit, remove, or restrict the ability  
15 of a holder of a brewer, class 1 brewer, class 2 brewer, class  
16 1 craft distiller, or class 2 craft distiller license to  
17 deliver alcoholic liquor to the purchaser for use or  
18 consumption. The delivery shall be made only within 12 hours  
19 after the alcoholic liquor leaves the licensed premises for  
20 delivery.

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

1 powers and functions exercised by the State.

2 For the purposes of this subsection, "delivery" means the  
3 movement of alcoholic liquor purchased from a licensed brewer,  
4 class 1 craft brewer, class 2 brewer, class 1 craft distiller,  
5 or class 2 craft distiller to a consumer through the following  
6 methods:

7 (1) delivery within the licensed premises parking lot,  
8 including curbside, for pickup by the consumer;

9 (2) delivery by an owner, officer, director,  
10 shareholder, or employee of the licensed manufacturer; or

11 (3) delivery by a third-party contractor, independent  
12 contractor, or agent with whom the licensed manufacturer  
13 has contracted to make deliveries of alcoholic liquors.

14 Under paragraph (1), (2), or (3) of this subsection,  
15 "delivery" does not include the use of common carriers.

16 For the purposes of this subsection, "ship" means to move  
17 alcoholic liquor from a licensed manufacturer to a consumer  
18 via a common carrier.

19 (g) Notwithstanding any of the foregoing prohibitions, a  
20 limited wine manufacturer may sell at retail at its  
21 manufacturing site for on or off premises consumption and may  
22 sell to distributors. A limited wine manufacturer licensee  
23 shall secure liquor liability insurance coverage in an amount  
24 at least equal to the maximum liability amounts set forth in  
25 subsection (a) of Section 6-21 of this Act.

26 (h) The changes made to this Section by Public Act 99-47

1 shall not diminish or impair the rights of any person, whether  
2 a distiller, wine manufacturer, agent, or affiliate thereof,  
3 who requested in writing and submitted documentation to the  
4 State Commission on or before February 18, 2015 to be approved  
5 for a retail license pursuant to what has heretofore been  
6 subsection (f); provided that, on or before that date, the  
7 State Commission considered the intent of that person to apply  
8 for the retail license under that subsection and, by recorded  
9 vote, the State Commission approved a resolution indicating  
10 that such a license application could be lawfully approved  
11 upon that person duly filing a formal application for a retail  
12 license and if that person, within 90 days of the State  
13 Commission appearance and recorded vote, first filed an  
14 application with the appropriate local commission, which  
15 application was subsequently approved by the appropriate local  
16 commission prior to consideration by the State Commission of  
17 that person's application for a retail license. It is further  
18 provided that the State Commission may approve the person's  
19 application for a retail license or renewals of such license  
20 if such person continues to diligently adhere to all  
21 representations made in writing to the State Commission on or  
22 before February 18, 2015, or thereafter, or in the affidavit  
23 filed by that person with the State Commission to support the  
24 issuance of a retail license and to abide by all applicable  
25 laws and duly adopted rules.

26 (Source: P.A. 100-201, eff. 8-18-17; 100-816, eff. 8-13-18;

1 100-885, eff. 8-14-18; 101-81, eff. 7-12-19; 101-482, eff.  
2 8-23-19; 101-615, eff. 12-20-19.)

3 (235 ILCS 5/6-28.8)

4 (Section scheduled to be repealed on June 2, 2021)

5 Sec. 6-28.8. Delivery and carry out of mixed drinks  
6 permitted.

7 (a) In this Section:

8 "Cocktail" or "mixed drink" means any beverage obtained by  
9 combining ingredients alcoholic in nature, whether brewed,  
10 fermented, or distilled, with ingredients non-alcoholic in  
11 nature, such as fruit juice, lemonade, cream, or a carbonated  
12 beverage.

13 "Original container" means, for the purposes of this  
14 Section only, a container that is filled, sealed, and secured  
15 by a retail or class 1 craft distiller licensee's employee at  
16 the ~~retail~~ licensee's location with a tamper-evident lid or  
17 cap.

18 "Sealed container" means a rigid container that contains a  
19 mixed drink, is new, has never been used, has a secured lid or  
20 cap designed to prevent consumption without removal of the lid  
21 or cap, and is tamper-evident. "Sealed container" does not  
22 include a container with a lid with sipping holes or openings  
23 for straws or a container made of plastic, paper, or  
24 polystyrene foam.

25 "Tamper-evident" means a lid or cap that has been sealed

1 with tamper-evident covers, including, but not limited to, wax  
2 dip or heat shrink wrap.

3 (b) A cocktail or mixed drink placed in a sealed container  
4 by a retail or class 1 craft distiller licensee at the ~~retail~~  
5 licensee's location may be transferred and sold for  
6 off-premises consumption if the following requirements are  
7 met:

8 (1) the cocktail is transferred within the licensed  
9 premises, by a curbside pickup, or by delivery by an  
10 employee of the retail or class 1 craft distiller licensee  
11 who:

12 (A) has been trained in accordance with Section  
13 6-27.1 at the time of the sale;

14 (B) is at least 21 years of age; and

15 (C) upon delivery, verifies the age of the person  
16 to whom the cocktail is being delivered;

17 (2) if the employee delivering the cocktail is not  
18 able to safely verify a person's age or level of  
19 intoxication upon delivery, the employee shall cancel the  
20 sale of alcohol and return the product to the retail or  
21 class 1 craft distiller license holder;

22 (3) the sealed container is placed in the trunk of the  
23 vehicle or if there is no trunk, in the vehicle's rear  
24 compartment that is not readily accessible to the  
25 passenger area;

26 (4) the sealed container shall be affixed with a label

1 or tag that contains the following information:

2 (A) the cocktail or mixed drink ingredients, type,  
3 and name of the alcohol;

4 (B) the name, license number, and address of the  
5 retail or class 1 craft distiller licensee that filled  
6 the original container and sold the product;

7 (C) the volume of the cocktail or mixed drink in  
8 the sealed container; and

9 (D) the sealed container was filled less than 7  
10 days before the date of sale.

11 (c) Third-party delivery services are not permitted to  
12 deliver cocktails and mixed drinks under this Section.

13 (d) If there is an executive order of the Governor in  
14 effect during a disaster, the employee delivering the mixed  
15 drink or cocktail must comply with any requirements of that  
16 executive order, including, but not limited to, wearing gloves  
17 and a mask and maintaining distancing requirements when  
18 interacting with the public.

19 (e) Delivery or carry out of a cocktail or mixed drink is  
20 prohibited if:

21 (1) a third party delivers the cocktail or mixed  
22 drink;

23 (2) a container of a mixed drink or cocktail is not  
24 tamper-evident and sealed;

25 (3) a container of a mixed drink or cocktail is  
26 transported in the passenger area of a vehicle;

1 (4) a mixed drink or cocktail is delivered by a person  
2 or to a person who is under the age of 21; or

3 (5) the person delivering a mixed drink or cocktail  
4 fails to verify the age of the person to whom the mixed  
5 drink or cocktail is being delivered.

6 (f) Violations of this Section shall be subject to any  
7 applicable penalties, including, but not limited to, the  
8 penalties specified under Section 11-502 of the Illinois  
9 Vehicle Code.

10 ~~(f-5) This Section is not intended to prohibit or preempt~~  
11 ~~the ability of a brew pub, tap room, or distilling pub to~~  
12 ~~continue to temporarily deliver alcoholic liquor pursuant to~~  
13 ~~guidance issued by the State Commission on March 19, 2020~~  
14 ~~entitled "Illinois Liquor Control Commission, COVID-19 Related~~  
15 ~~Actions, Guidance on Temporary Delivery of Alcoholic Liquor".~~  
16 This Section shall only grant authorization to holders of  
17 State of Illinois ~~retail~~ liquor licenses as described in  
18 subsection (d), (i), (n), or (u) of Section 5-1 or class 1  
19 craft distillers but not to licensees that simultaneously hold  
20 any licensure ~~or privilege~~ to manufacture alcoholic liquors  
21 within or outside of the State of Illinois.

22 (g) This Section is not a denial or limitation of home rule  
23 powers and functions under Section 6 of Article VII of the  
24 Illinois Constitution.

25 (h) (Blank). ~~This Section is repealed one year after the~~  
26 ~~effective date of this amendatory Act of the 101st General~~

1 ~~Assembly.~~

2 (Source: P.A. 101-631, eff. 6-2-20.)

3 (235 ILCS 5/6-29.05 new)

4 Sec. 6-29.05. Brewery shipper's license.

5 (a) The General Assembly declares that the following is  
6 the intent of this Section:

7 (1) To authorize direct shipment of beer by an  
8 out-of-state brewer on the same basis permitted an  
9 in-state brewer pursuant to the authority of the State  
10 under the provisions of Section 2 of the Twenty-First  
11 Amendment to the United States Constitution and in  
12 conformance with the United States Supreme Court decision  
13 decided on May 16, 2005 in Granholm v. Heald.

14 (2) To reaffirm that the General Assembly's findings  
15 and declarations that selling alcoholic liquor through  
16 various direct marketing means such as catalogs,  
17 newspapers, mailings, and the Internet directly to  
18 consumers of this State poses a serious threat to the  
19 State's efforts to further temperance and prevent youth  
20 from accessing alcoholic liquor and the expansion of youth  
21 access to additional types of alcoholic liquors.

22 (3) To maintain the State's broad powers granted by  
23 Section 2 of the Twenty-First Amendment to the United  
24 States Constitution to control the importation or sale of  
25 alcoholic liquor and its right to structure its alcoholic

1 liquor distribution system.

2 (4) To ensure that the General Assembly, by  
3 authorizing limited direct shipment of beer to meet the  
4 directives of the United States Supreme Court, does not  
5 intend to impair or modify the State's distribution of  
6 beer through distributors or importing distributors, but  
7 only to permit limited shipment of beer for personal use.

8 (5) To provide that, in the event that a court of  
9 competent jurisdiction declares or finds that this  
10 Section, which is enacted to conform Illinois law to the  
11 United States Supreme Court decision, is invalid or  
12 unconstitutional, the Illinois General Assembly at its  
13 earliest general session shall conduct hearings and study  
14 methods to conform to any directive or order of the court  
15 consistent with the temperance and revenue collection  
16 purposes of this Act.

17 (b) Notwithstanding any other provision of law, a brewery  
18 shipper's licensee may ship, for personal use and not for  
19 resale, not more than 12 cases of beer per year to any resident  
20 of this State who is 21 years of age or older.

21 (c) Notwithstanding any other provision of law, sale and  
22 shipment by a brewery shipper's licensee pursuant to this  
23 Section shall be deemed to constitute a sale in this State.

24 (d) The shipping container of any beer shipped under this  
25 Section shall be clearly labeled with the following words:  
26 "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR

1 OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE  
2 SHOWN BEFORE DELIVERY.". This warning must be prominently  
3 displayed on the packaging. A licensee shall require the  
4 transporter or common carrier that delivers the beer to obtain  
5 the signature of a person 21 years of age or older at the  
6 delivery address at the time of delivery. At the expense of the  
7 licensee, the licensee shall receive a delivery confirmation  
8 from the express company, common carrier, or contract carrier  
9 indicating the location of the delivery, time of delivery, and  
10 the name and signature of the individual 21 years of age or  
11 older who accepts delivery. The State Commission shall design  
12 and create a label or approve a label that must be affixed to  
13 the shipping container by the licensee.

14 (e) No broker within this State shall solicit consumers to  
15 engage in direct beer shipments under this Section.

16 (f) It is not the intent of this Section to impair the  
17 distribution of beer through distributors or importing  
18 distributors, but only to permit shipments of beer for  
19 personal use.

20 (235 ILCS 5/6-29.06 new)

21 Sec. 6-29.06. Distillery shipper's license.

22 (a) The General Assembly declares that the following is  
23 the intent of this Section:

24 (1) To authorize direct shipment of spirits by an  
25 out-of-state distiller on the same basis permitted an

1 in-state distiller pursuant to the authority of the State  
2 under the provisions of Section 2 of the Twenty-First  
3 Amendment to the United States Constitution and in  
4 conformance with the United States Supreme Court decision  
5 decided on May 16, 2005 in Granholm v. Heald.

6 (2) To reaffirm that the General Assembly's findings  
7 and declarations that selling alcoholic liquor through  
8 various direct marketing means such as catalogs,  
9 newspapers, mailings, and the Internet directly to  
10 consumers of this State poses a serious threat to the  
11 State's efforts to further temperance and prevent youth  
12 from accessing alcoholic liquor and the expansion of youth  
13 access to additional types of alcoholic liquors.

14 (3) To maintain the State's broad powers granted by  
15 Section 2 of the Twenty-First Amendment to the United  
16 States Constitution to control the importation or sale of  
17 alcoholic liquor and its right to structure its alcoholic  
18 liquor distribution system.

19 (4) To ensure that the General Assembly, by  
20 authorizing limited direct shipment of spirits to meet the  
21 directives of the United States Supreme Court, does not  
22 intend to impair or modify the State's distribution of  
23 spirits through distributors or importing distributors,  
24 but only to permit limited shipment of spirits for  
25 personal use.

26 (5) To provide that, in the event that a court of

1 competent jurisdiction declares or finds that this  
2 Section, which is enacted to conform Illinois law to the  
3 United States Supreme Court decision, is invalid or  
4 unconstitutional, the Illinois General Assembly at its  
5 earliest general session shall conduct hearings and study  
6 methods to conform to any directive or order of the court  
7 consistent with the temperance and revenue collection  
8 purposes of this Act.

9 (b) Notwithstanding any other provision of law, a  
10 distillery shipper's licensee may ship, for personal use and  
11 not for resale, not more than 12 cases of spirits per year to  
12 any resident of this State who is 21 years of age or older.

13 (c) Notwithstanding any other provision of law, sale and  
14 shipment by a distillery shipper's licensee pursuant to this  
15 Section shall be deemed to constitute a sale in this State.

16 (d) The shipping container of any spirit shipped under  
17 this Section shall be clearly labeled with the following  
18 words: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF  
19 AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY  
20 MUST BE SHOWN BEFORE DELIVERY." This warning must be  
21 prominently displayed on the packaging. A licensee shall  
22 require the transporter or common carrier that delivers the  
23 spirits to obtain the signature of a person 21 years of age or  
24 older at the delivery address at the time of delivery. At the  
25 expense of the licensee, the licensee shall receive a delivery  
26 confirmation from the express company, common carrier, or

1 contract carrier indicating the location of the delivery, time  
2 of delivery, and the name and signature of the individual 21  
3 years of age or older who accepts delivery. The State  
4 Commission may design and create a label or approve a label  
5 that must be affixed to the shipping container by the  
6 licensee.

7 (e) No broker within this State shall solicit consumers to  
8 engage in direct spirit shipments under this Section.

9 (f) It is not the intent of this Section to impair the  
10 distribution of spirits through distributors or importing  
11 distributors, but only to permit shipments of spirits for  
12 personal use.

13 (235 ILCS 5/6-29.1)

14 Sec. 6-29.1. Direct shipments of alcoholic liquor.

15 (a) The General Assembly makes the following findings:

16 (1) The General Assembly of Illinois, having reviewed  
17 this Act in light of the United States Supreme Court's  
18 2005 decision in *Granholm v. Heald*, has determined to  
19 conform that law to the constitutional principles  
20 enunciated by the Court in a manner that best preserves  
21 the temperance, revenue, and orderly distribution values  
22 of this Act.

23 (2) Minimizing automobile accidents and fatalities,  
24 domestic violence, health problems, loss of productivity,  
25 unemployment, and other social problems associated with

1 dependency and improvident use of alcoholic beverages  
2 remains the policy of Illinois.

3 (3) To the maximum extent constitutionally feasible,  
4 Illinois desires to collect sufficient revenue from excise  
5 and use taxes on alcoholic beverages for the purpose of  
6 responding to such social problems.

7 (4) Combined with family education and individual  
8 discipline, retail validation of age, and assessment of  
9 the capacity of the consumer remains the best pre-sale  
10 social protection against the problems associated with the  
11 abuse of alcoholic liquor.

12 (5) Therefore, the paramount purpose of this  
13 ~~amendatory~~ Act is to continue to carefully limit direct  
14 shipment sales of wine, beer, and spirits produced by  
15 makers of wine, beer, and spirits ~~and to continue to~~  
16 ~~prohibit such direct shipment sales for spirits and beer.~~

17 ~~For these reasons, the Commission shall establish a system~~  
18 ~~to notify the out of state trade of this prohibition and to~~  
19 ~~detect violations. The Commission shall request the Attorney~~  
20 ~~General to extradite any offender.~~

21 (b) Pursuant to the Twenty-First Amendment of the United  
22 States Constitution allowing states to regulate the  
23 distribution and sale of alcoholic liquor and pursuant to the  
24 federal Webb-Kenyon Act declaring that alcoholic liquor  
25 shipped in interstate commerce must comply with state laws,  
26 the General Assembly hereby finds and declares that selling

1 alcoholic liquor from a point outside this State through  
2 various direct marketing means, such as catalogs, newspapers,  
3 mailers, and the Internet, directly to residents of this State  
4 poses a serious threat to the State's efforts to prevent  
5 youths from accessing alcoholic liquor; to State revenue  
6 collections; and to the economy of this State.

7 Any person manufacturing, distributing, or selling  
8 alcoholic liquor who knowingly ships or transports or causes  
9 the shipping or transportation of any alcoholic liquor from a  
10 point outside this State to a person in this State who does not  
11 hold a manufacturer's, distributor's, importing distributor's,  
12 or non-resident dealer's license issued by the Liquor Control  
13 Commission, other than a shipment of sacramental wine to a  
14 bona fide religious organization, a shipment authorized by  
15 Section 6-29, subparagraph (17) of Section 3-12, or any other  
16 shipment authorized by this Act, is in violation of this Act.

17 The Commission, upon determining, after investigation,  
18 that a person has violated this Section, shall give notice to  
19 the person by certified mail to cease and desist all shipments  
20 of alcoholic liquor into this State and to withdraw from this  
21 State within 5 working days after receipt of the notice all  
22 shipments of alcoholic liquor then in transit. A person who  
23 violates the cease and desist notice is subject to the  
24 applicable penalties in subsection (a) of Section 10-1 of this  
25 Act.

26 (Source: P.A. 99-904, eff. 1-1-17.)

1 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

2 Sec. 10-1. Violations; penalties. Whereas a substantial  
3 threat to the sound and careful control, regulation, and  
4 taxation of the manufacture, sale, and distribution of  
5 alcoholic liquors exists by virtue of individuals who  
6 manufacture, import, distribute, or sell alcoholic liquors  
7 within the State without having first obtained a valid license  
8 to do so, and whereas such threat is especially serious along  
9 the borders of this State, and whereas such threat requires  
10 immediate correction by this Act, by active investigation and  
11 prosecution by the State Commission, law enforcement  
12 officials, and prosecutors, and by prompt and strict  
13 enforcement through the courts of this State to punish  
14 violators and to deter such conduct in the future:

15 (a) Any person who manufactures, imports for distribution  
16 or use, transports from outside this State into this State, or  
17 distributes or sells 108 liters (28.53 gallons) or more of  
18 wine, 45 liters (11.88 gallons) or more of distilled spirits,  
19 or 118 liters (31.17 gallons) or more of beer at any place  
20 within the State without having first obtained a valid license  
21 to do so under the provisions of this Act shall be guilty of a  
22 Class 4 felony for each offense. However, any person who was  
23 duly licensed under this Act and whose license expired within  
24 30 days prior to a violation shall be guilty of a business  
25 offense and fined not more than \$1,000 for the first such

1 offense and shall be guilty of a Class 4 felony for each  
2 subsequent offense.

3 Any person who manufactures, imports for distribution,  
4 transports from outside this State into this State for sale or  
5 resale in this State, or distributes or sells less than 108  
6 liters (28.53 gallons) of wine, less than 45 liters (11.88  
7 gallons) of distilled spirits, or less than 118 liters (31.17  
8 gallons) of beer at any place within the State without having  
9 first obtained a valid license to do so under the provisions of  
10 this Act shall be guilty of a business offense and fined not  
11 more than \$1,000 for the first such offense and shall be guilty  
12 of a Class 4 felony for each subsequent offense. This  
13 subsection does not apply to a motor carrier or freight  
14 forwarder, as defined in Section 13102 of Title 49 of the  
15 United States Code, an air carrier, as defined in Section  
16 40102 of Title 49 of the United States Code, or a rail carrier,  
17 as defined in Section 10102 of Title 49 of the United States  
18 Code.

19 Any person who: (1) has been issued an initial cease and  
20 desist notice from the State Commission; and (2) for  
21 compensation, does any of the following: (i) ships alcoholic  
22 liquor into this State without a license authorized by Section  
23 5-1 issued by the State Commission or in violation of that  
24 license; or (ii) manufactures, imports for distribution,  
25 transports from outside this State into this State for sale or  
26 resale in this State, or distributes or sells alcoholic

1 liquors at any place without having first obtained a valid  
2 license to do so is guilty of a Class 4 felony for each  
3 offense.

4 (b) (1) Any retailer, caterer retailer, brew pub, special  
5 event retailer, special use permit holder, homebrewer special  
6 event permit holder, or craft distiller tasting permit holder  
7 who knowingly causes alcoholic liquors to be imported directly  
8 into the State of Illinois from outside of the State for the  
9 purpose of furnishing, giving, or selling to another, except  
10 when having received the product from a duly licensed  
11 distributor or importing distributor, shall have his license  
12 suspended for 30 days for the first offense and for the second  
13 offense, shall have his license revoked by the Commission.

14 (2) In the event the State Commission receives a certified  
15 copy of a final order from a foreign jurisdiction that an  
16 Illinois retail licensee has been found to have violated that  
17 foreign jurisdiction's laws, rules, or regulations concerning  
18 the importation of alcoholic liquor into that foreign  
19 jurisdiction, the violation may be grounds for the State  
20 Commission to revoke, suspend, or refuse to issue or renew a  
21 license, to impose a fine, or to take any additional action  
22 provided by this Act with respect to the Illinois retail  
23 license or licensee. Any such action on the part of the State  
24 Commission shall be in accordance with this Act and  
25 implementing rules.

26 For the purposes of paragraph (2): (i) "foreign

1 jurisdiction" means a state, territory, or possession of the  
2 United States, the District of Columbia, or the Commonwealth  
3 of Puerto Rico, and (ii) "final order" means an order or  
4 judgment of a court or administrative body that determines the  
5 rights of the parties respecting the subject matter of the  
6 proceeding, that remains in full force and effect, and from  
7 which no appeal can be taken.

8 (c) Any person who shall make any false statement or  
9 otherwise violates any of the provisions of this Act in  
10 obtaining any license hereunder, or who having obtained a  
11 license hereunder shall violate any of the provisions of this  
12 Act with respect to the manufacture, possession, distribution  
13 or sale of alcoholic liquor, or with respect to the  
14 maintenance of the licensed premises, or shall violate any  
15 other provision of this Act, shall for a first offense be  
16 guilty of a petty offense and fined not more than \$500, and for  
17 a second or subsequent offense shall be guilty of a Class B  
18 misdemeanor.

19 (c-5) Any owner of an establishment that serves alcohol on  
20 its premises, if more than 50% of the establishment's gross  
21 receipts within the prior 3 months is from the sale of alcohol,  
22 who knowingly fails to prohibit concealed firearms on its  
23 premises or who knowingly makes a false statement or record to  
24 avoid the prohibition of concealed firearms on its premises  
25 under the Firearm Concealed Carry Act shall be guilty of a  
26 business offense with a fine up to \$5,000.

1 (d) Each day any person engages in business as a  
2 manufacturer, foreign importer, importing distributor,  
3 distributor or retailer in violation of the provisions of this  
4 Act shall constitute a separate offense.

5 (e) Any person, under the age of 21 years who, for the  
6 purpose of buying, accepting or receiving alcoholic liquor  
7 from a licensee, represents that he is 21 years of age or over  
8 shall be guilty of a Class A misdemeanor.

9 (f) In addition to the penalties herein provided, any  
10 person licensed as a wine-maker in either class, a class 1 or  
11 class 2 brewer, or a class 1 or class 2 craft distiller who  
12 manufactures more wine, beer, or spirits than authorized by  
13 his license shall be guilty of a business offense and shall be  
14 fined \$1 for each gallon so manufactured.

15 (g) A person shall be exempt from prosecution for a  
16 violation of this Act if he is a peace officer in the  
17 enforcement of the criminal laws and such activity is approved  
18 in writing by one of the following:

19 (1) In all counties, the respective State's Attorney;

20 (2) The Director of State Police under Section  
21 2605-10, 2605-15, 2605-75, 2605-100, 2605-105, 2605-110,  
22 2605-115, 2605-120, 2605-130, 2605-140, 2605-190,  
23 2605-200, 2605-205, 2605-210, 2605-215, 2605-250,  
24 2605-275, 2605-300, 2605-305, 2605-315, 2605-325,  
25 2605-335, 2605-340, 2605-350, 2605-355, 2605-360,  
26 2605-365, 2605-375, 2605-390, 2605-400, 2605-405,

1           2605-420, 2605-430, 2605-435, 2605-500, 2605-525, or  
2           2605-550 of the Department of State Police Law (20 ILCS  
3           2605/2605-10, 2605/2605-15, 2605/2605-75, 2605/2605-100,  
4           2605/2605-105,           2605/2605-110,           2605/2605-115,  
5           2605/2605-120,           2605/2605-130,           2605/2605-140,  
6           2605/2605-190,           2605/2605-200,           2605/2605-205,  
7           2605/2605-210,           2605/2605-215,           2605/2605-250,  
8           2605/2605-275,           2605/2605-300,           2605/2605-305,  
9           2605/2605-315,           2605/2605-325,           2605/2605-335,  
10          2605/2605-340,           2605/2605-350,           2605/2605-355,  
11          2605/2605-360,           2605/2605-365,           2605/2605-375,  
12          2605/2605-390,           2605/2605-400,           2605/2605-405,  
13          2605/2605-420,           2605/2605-430,           2605/2605-435,  
14          2605/2605-500, 2605/2605-525, or 2605/2605-550); or

15           (3) In cities over 1,000,000, the Superintendent of  
16           Police.

17           (Source: P.A. 101-37, eff. 7-3-19.)

18           Section 99. Effective date. This Act takes effect upon  
19           becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 235 ILCS 5/1-3.33

4 235 ILCS 5/3-12

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

6 235 ILCS 5/5-3 from Ch. 43, par. 118

7 235 ILCS 5/6-4 from Ch. 43, par. 121

8 235 ILCS 5/6-28.8

9 235 ILCS 5/6-29.05 new

10 235 ILCS 5/6-29.06 new

11 235 ILCS 5/6-29.1

12 235 ILCS 5/10-1 from Ch. 43, par. 183