



Sen. Antonio Muñoz

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09900HB3237sam001

LRB099 07830 RPS 35675 a

1 AMENDMENT TO HOUSE BILL 3237

2 AMENDMENT NO. _____. Amend House Bill 3237 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 1-3.33, 1-3.38, 3-12, 5-1, 5-3, 6-4, 6-5,
6 6-6, 6-11, and 6-36 and by adding Section 1-3.40 as follows:

7 (235 ILCS 5/1-3.33)

8 Sec. 1-3.33. "Brew Pub" means a person who manufactures no
9 more than 155,000 gallons of beer per year only at a designated
10 licensed premises to make sales to importing distributors,
11 distributors, and to non-licensees for use and consumption
12 only, who stores beer at the designated premises, and who is
13 allowed to sell at retail from the licensed premises, provided
14 that a brew pub licensee shall not sell for off-premises
15 consumption more than 155,000 ~~50,000~~ gallons per year. ~~A person~~
16 ~~who holds a brew pub license may simultaneously hold a craft~~

1 ~~brewer license if he or she otherwise qualifies for the craft~~
2 ~~brewer license and the craft brewer license is for a location~~
3 ~~separate from the brew pub's licensed premises.~~

4 (Source: P.A. 97-5, eff. 6-1-11.)

5 (235 ILCS 5/1-3.38)

6 Sec. 1-3.38. Class 1 brewer. "Class 1 Craft brewer" means a
7 person who is a holder of a licensed brewer license or licensed
8 non-resident dealer license who manufactures up to 930,000
9 gallons of beer per year and who may make sales and deliveries
10 to importing distributors and distributors and to retail
11 licensees in accordance with the conditions set forth in
12 paragraph (18) of subsection (a) of Section 3-12 of this Act.

13 (Source: P.A. 97-5, eff. 6-1-11; 98-401, eff. 8-16-13.)

14 (235 ILCS 5/1-3.40 new)

15 Sec. 1-3.40. Class 2 brewer. "Class 2 brewer" means a
16 person who is a holder of a brewer license or non-resident
17 dealer license who manufactures up to 3,720,000 gallons of beer
18 per year for sale to a licensed importing distributor or
19 distributor.

20 (235 ILCS 5/3-12)

21 (Text of Section before amendment by P.A. 98-939)

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

23 (a) The State commission shall have the following powers,

1 functions, and duties:

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

21 In lieu of suspending or revoking a license, the
22 commission may impose a fine, upon the State commission's
23 determination and notice after hearing, that a licensee has
24 violated any provision of this Act or any rule or
25 regulation issued pursuant thereto and in effect for 30
26 days prior to such violation.

1 For the purpose of this paragraph (1), when determining
2 multiple violations for the sale of alcohol to a person
3 under the age of 21, a second or subsequent violation for
4 the sale of alcohol to a person under the age of 21 shall
5 only be considered if it was committed within 5 years after
6 the date when a prior violation for the sale of alcohol to
7 a person under the age of 21 was committed.

8 The fine imposed under this paragraph may not exceed
9 \$500 for each violation. Each day that the activity, which
10 gave rise to the original fine, continues is a separate
11 violation. The maximum fine that may be levied against any
12 licensee, for the period of the license, shall not exceed
13 \$20,000. The maximum penalty that may be imposed on a
14 licensee for selling a bottle of alcoholic liquor with a
15 foreign object in it or serving from a bottle of alcoholic
16 liquor with a foreign object in it shall be the destruction
17 of that bottle of alcoholic liquor for the first 10 bottles
18 so sold or served from by the licensee. For the eleventh
19 bottle of alcoholic liquor and for each third bottle
20 thereafter sold or served from by the licensee with a
21 foreign object in it, the maximum penalty that may be
22 imposed on the licensee is the destruction of the bottle of
23 alcoholic liquor and a fine of up to \$50.

24 (2) To adopt such rules and regulations consistent with
25 the provisions of this Act which shall be necessary to
26 carry on its functions and duties to the end that the

1 health, safety and welfare of the People of the State of
2 Illinois shall be protected and temperance in the
3 consumption of alcoholic liquors shall be fostered and
4 promoted and to distribute copies of such rules and
5 regulations to all licensees affected thereby.

6 (3) To call upon other administrative departments of
7 the State, county and municipal governments, county and
8 city police departments and upon prosecuting officers for
9 such information and assistance as it deems necessary in
10 the performance of its duties.

11 (4) To recommend to local commissioners rules and
12 regulations, not inconsistent with the law, for the
13 distribution and sale of alcoholic liquors throughout the
14 State.

15 (5) To inspect, or cause to be inspected, any premises
16 in this State where alcoholic liquors are manufactured,
17 distributed, warehoused, or sold. Nothing in this Act
18 authorizes an agent of the Commission to inspect private
19 areas within the premises without reasonable suspicion or a
20 warrant during an inspection. "Private areas" include, but
21 are not limited to, safes, personal property, and closed
22 desks.

23 (5.1) Upon receipt of a complaint or upon having
24 knowledge that any person is engaged in business as a
25 manufacturer, importing distributor, distributor, or
26 retailer without a license or valid license, to notify the

1 local liquor authority, file a complaint with the State's
2 Attorney's Office of the county where the incident
3 occurred, or initiate an investigation with the
4 appropriate law enforcement officials.

5 (5.2) To issue a cease and desist notice to persons
6 shipping alcoholic liquor into this State from a point
7 outside of this State if the shipment is in violation of
8 this Act.

9 (5.3) To receive complaints from licensees, local
10 officials, law enforcement agencies, organizations, and
11 persons stating that any licensee has been or is violating
12 any provision of this Act or the rules and regulations
13 issued pursuant to this Act. Such complaints shall be in
14 writing, signed and sworn to by the person making the
15 complaint, and shall state with specificity the facts in
16 relation to the alleged violation. If the Commission has
17 reasonable grounds to believe that the complaint
18 substantially alleges a violation of this Act or rules and
19 regulations adopted pursuant to this Act, it shall conduct
20 an investigation. If, after conducting an investigation,
21 the Commission is satisfied that the alleged violation did
22 occur, it shall proceed with disciplinary action against
23 the licensee as provided in this Act.

24 (6) To hear and determine appeals from orders of a
25 local commission in accordance with the provisions of this
26 Act, as hereinafter set forth. Hearings under this

1 subsection shall be held in Springfield or Chicago, at
2 whichever location is the more convenient for the majority
3 of persons who are parties to the hearing.

4 (7) The commission shall establish uniform systems of
5 accounts to be kept by all retail licensees having more
6 than 4 employees, and for this purpose the commission may
7 classify all retail licensees having more than 4 employees
8 and establish a uniform system of accounts for each class
9 and prescribe the manner in which such accounts shall be
10 kept. The commission may also prescribe the forms of
11 accounts to be kept by all retail licensees having more
12 than 4 employees, including but not limited to accounts of
13 earnings and expenses and any distribution, payment, or
14 other distribution of earnings or assets, and any other
15 forms, records and memoranda which in the judgment of the
16 commission may be necessary or appropriate to carry out any
17 of the provisions of this Act, including but not limited to
18 such forms, records and memoranda as will readily and
19 accurately disclose at all times the beneficial ownership
20 of such retail licensed business. The accounts, forms,
21 records and memoranda shall be available at all reasonable
22 times for inspection by authorized representatives of the
23 State commission or by any local liquor control
24 commissioner or his or her authorized representative. The
25 commission, may, from time to time, alter, amend or repeal,
26 in whole or in part, any uniform system of accounts, or the

1 form and manner of keeping accounts.

2 (8) In the conduct of any hearing authorized to be held
3 by the commission, to appoint, at the commission's
4 discretion, hearing officers to conduct hearings involving
5 complex issues or issues that will require a protracted
6 period of time to resolve, to examine, or cause to be
7 examined, under oath, any licensee, and to examine or cause
8 to be examined the books and records of such licensee; to
9 hear testimony and take proof material for its information
10 in the discharge of its duties hereunder; to administer or
11 cause to be administered oaths; for any such purpose to
12 issue subpoena or subpoenas to require the attendance of
13 witnesses and the production of books, which shall be
14 effective in any part of this State, and to adopt rules to
15 implement its powers under this paragraph (8).

16 Any Circuit Court may by order duly entered, require
17 the attendance of witnesses and the production of relevant
18 books subpoenaed by the State commission and the court may
19 compel obedience to its order by proceedings for contempt.

20 (9) To investigate the administration of laws in
21 relation to alcoholic liquors in this and other states and
22 any foreign countries, and to recommend from time to time
23 to the Governor and through him or her to the legislature
24 of this State, such amendments to this Act, if any, as it
25 may think desirable and as will serve to further the
26 general broad purposes contained in Section 1-2 hereof.

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

6 (11) To develop industry educational programs related
7 to responsible serving and selling, particularly in the
8 areas of overserving consumers and illegal underage
9 purchasing and consumption of alcoholic beverages.

10 (11.1) To license persons providing education and
11 training to alcohol beverage sellers and servers under the
12 Beverage Alcohol Sellers and Servers Education and
13 Training (BASSET) programs and to develop and administer a
14 public awareness program in Illinois to reduce or eliminate
15 the illegal purchase and consumption of alcoholic beverage
16 products by persons under the age of 21. Application for a
17 license shall be made on forms provided by the State
18 Commission.

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

21 (13) On or before January 15, 1994, the Commission
22 shall issue a written report to the Governor and General
23 Assembly that is to be based on a comprehensive study of
24 the impact on and implications for the State of Illinois of
25 Section 1926 of the Federal ADAMHA Reorganization Act of
26 1992 (Public Law 102-321). This study shall address the

1 extent to which Illinois currently complies with the
2 provisions of P.L. 102-321 and the rules promulgated
3 pursuant thereto.

4 As part of its report, the Commission shall provide the
5 following essential information:

6 (i) the number of retail distributors of tobacco
7 products, by type and geographic area, in the State;

8 (ii) the number of reported citations and
9 successful convictions, categorized by type and
10 location of retail distributor, for violation of the
11 Prevention of Tobacco Use by Minors and Sale and
12 Distribution of Tobacco Products Act and the Smokeless
13 Tobacco Limitation Act;

14 (iii) the extent and nature of organized
15 educational and governmental activities that are
16 intended to promote, encourage or otherwise secure
17 compliance with any Illinois laws that prohibit the
18 sale or distribution of tobacco products to minors; and

19 (iv) the level of access and availability of
20 tobacco products to individuals under the age of 18.

21 To obtain the data necessary to comply with the
22 provisions of P.L. 102-321 and the requirements of this
23 report, the Commission shall conduct random, unannounced
24 inspections of a geographically and scientifically
25 representative sample of the State's retail tobacco
26 distributors.

1 The Commission shall consult with the Department of
2 Public Health, the Department of Human Services, the
3 Illinois State Police and any other executive branch
4 agency, and private organizations that may have
5 information relevant to this report.

6 The Commission may contract with the Food and Drug
7 Administration of the U.S. Department of Health and Human
8 Services to conduct unannounced investigations of Illinois
9 tobacco vendors to determine compliance with federal laws
10 relating to the illegal sale of cigarettes and smokeless
11 tobacco products to persons under the age of 18.

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

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

23 (B) The amount of licensing fees received.

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

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

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

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

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

21 (16) The Commission shall, in addition to notifying any
22 appropriate law enforcement agency, submit notices of
23 complaints or violations of Sections 6-29 and 6-29.1 by
24 persons who do not hold a winery shipper's license under
25 this amendatory Act to the Illinois Attorney General and to
26 the U.S. Department of Treasury's Alcohol and Tobacco Tax

1 and Trade Bureau.

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

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

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

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

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

19 (E) Except in hearings for violations of this Act
20 or amendatory Act or a bona fide investigation by duly
21 sworn law enforcement officials, the Commission, or
22 its agents, the Commission shall maintain the
23 production and sales information of a
24 self-distribution exemption holder as confidential and
25 shall not release such information to any person.

26 (F) The Commission shall issue regulations

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

3 (G) Nothing in this subsection (17) shall prohibit
4 a self-distribution exemption holder from entering
5 into or simultaneously having a distribution agreement
6 with a licensed Illinois distributor.

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

20 (18) (A) A class 1 ~~craft~~ brewer licensee, who must also
21 be either a licensed brewer or licensed non-resident dealer
22 and annually manufacture less than 930,000 gallons of beer,
23 may make application to the State Commission for a
24 self-distribution exemption to allow the sale of not more
25 than 232,500 gallons of the exemption holder's beer to
26 retail licensees per year.

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

12 (C) Any application submitted shall be posted on
13 the State Commission's website at least 45 days prior
14 to action by the State Commission. The State Commission
15 shall approve the application for a self-distribution
16 exemption if the class 1 ~~craft~~ brewer licensee: (1) is
17 in compliance with the State, revenue, and alcoholic
18 beverage laws; (2) is not a member of any affiliated
19 group that manufactures more than 930,000 gallons of
20 beer per annum or produces any other alcoholic
21 beverages; (3) shall not annually manufacture for sale
22 more than 930,000 gallons of beer; ~~and~~ (4) shall not
23 annually sell more than 232,500 gallons of its beer to
24 retail licensees; and (5) has relinquished any brew pub
25 license held by the licensee, including any ownership
26 interest held in the licensed brew pub.

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

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

17 (F) Nothing in this paragraph (18) shall prohibit a
18 self-distribution exemption holder from entering into
19 or simultaneously having a distribution agreement with
20 a licensed Illinois importing distributor or a
21 distributor. If a self-distribution exemption holder
22 enters into a distribution agreement and has assigned
23 distribution rights to an importing distributor or
24 distributor, then the self-distribution exemption
25 holder's distribution rights in the assigned
26 territories shall cease in a reasonable time not to

1 exceed 60 days.

2 (G) It is the intent of this paragraph (18) to
3 promote and continue orderly markets. The General
4 Assembly finds that in order to preserve Illinois'
5 regulatory distribution system, it is necessary to
6 create an exception for smaller manufacturers in order
7 to afford and allow such smaller manufacturers of beer
8 access to the marketplace in order to develop a
9 customer base without impairing the integrity of the
10 3-tier system.

11 (b) On or before April 30, 1999, the Commission shall
12 present a written report to the Governor and the General
13 Assembly that shall be based on a study of the impact of this
14 amendatory Act of 1998 on the business of soliciting, selling,
15 and shipping alcoholic liquor from outside of this State
16 directly to residents of this State.

17 As part of its report, the Commission shall provide the
18 following information:

19 (i) the amount of State excise and sales tax revenues
20 generated as a result of this amendatory Act of 1998;

21 (ii) the amount of licensing fees received as a result
22 of this amendatory Act of 1998;

23 (iii) the number of reported violations, the number of
24 cease and desist notices issued by the Commission, the
25 number of notices of violations issued to the Department of
26 Revenue, and the number of notices and complaints of

1 violations to law enforcement officials.

2 (Source: P.A. 97-5, eff. 6-1-11; 98-401, eff. 8-16-13; 98-941,
3 eff. 1-1-15.)

4 (Text of Section after amendment by P.A. 98-939)

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

6 (a) The State commission shall have the following powers,
7 functions, and duties:

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

1 for the specific premises where the violation occurred.

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 has
5 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 determining
9 multiple violations for the sale of alcohol to a person
10 under the age of 21, a second or subsequent violation for
11 the sale of alcohol to a person under the age of 21 shall
12 only be considered if it was committed within 5 years after
13 the date when a prior violation for the sale of alcohol to
14 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 destruction
24 of that bottle of alcoholic liquor for the first 10 bottles
25 so sold or served from by the licensee. For the eleventh
26 bottle of alcoholic liquor and for each third bottle

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

5 (2) To adopt such rules and regulations consistent with
6 the provisions of this Act which shall be necessary to
7 carry on its functions and duties to the end that the
8 health, safety and welfare of the People of the State of
9 Illinois shall be protected and temperance in the
10 consumption of alcoholic liquors shall be fostered and
11 promoted and to distribute copies of such rules and
12 regulations to all licensees affected thereby.

13 (3) To call upon other administrative departments of
14 the State, county and municipal governments, county and
15 city police departments and upon prosecuting officers for
16 such information and assistance as it deems necessary in
17 the performance of its duties.

18 (4) To recommend to local commissioners rules and
19 regulations, not inconsistent with the law, for the
20 distribution and sale of alcoholic liquors throughout the
21 State.

22 (5) To inspect, or cause to be inspected, any premises
23 in this State where alcoholic liquors are manufactured,
24 distributed, warehoused, or sold. Nothing in this Act
25 authorizes an agent of the Commission to inspect private
26 areas within the premises without reasonable suspicion or a

1 warrant during an inspection. "Private areas" include, but
2 are not limited to, safes, personal property, and closed
3 desks.

4 (5.1) Upon receipt of a complaint or upon having
5 knowledge that any person is engaged in business as a
6 manufacturer, importing distributor, distributor, or
7 retailer without a license or valid license, to notify the
8 local liquor authority, file a complaint with the State's
9 Attorney's Office of the county where the incident
10 occurred, or initiate an investigation with the
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13 shipping alcoholic liquor into this State from a point
14 outside of this State if the shipment is in violation of
15 this Act.

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17 officials, law enforcement agencies, organizations, and
18 persons stating that any licensee has been or is violating
19 any provision of this Act or the rules and regulations
20 issued pursuant to this Act. Such complaints shall be in
21 writing, signed and sworn to by the person making the
22 complaint, and shall state with specificity the facts in
23 relation to the alleged violation. If the Commission has
24 reasonable grounds to believe that the complaint
25 substantially alleges a violation of this Act or rules and
26 regulations adopted pursuant to this Act, it shall conduct

1 an investigation. If, after conducting an investigation,
2 the Commission is satisfied that the alleged violation did
3 occur, it shall proceed with disciplinary action against
4 the licensee as provided in this Act.

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16 and prescribe the manner in which such accounts shall be
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20 earnings and expenses and any distribution, payment, or
21 other distribution of earnings or assets, and any other
22 forms, records and memoranda which in the judgment of the
23 commission may be necessary or appropriate to carry out any
24 of the provisions of this Act, including but not limited to
25 such forms, records and memoranda as will readily and
26 accurately disclose at all times the beneficial ownership

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3 times for inspection by authorized representatives of the
4 State commission or by any local liquor control
5 commissioner or his or her authorized representative. The
6 commission, may, from time to time, alter, amend or repeal,
7 in whole or in part, any uniform system of accounts, or the
8 form and manner of keeping accounts.

9 (8) In the conduct of any hearing authorized to be held
10 by the commission, to appoint, at the commission's
11 discretion, hearing officers to conduct hearings involving
12 complex issues or issues that will require a protracted
13 period of time to resolve, to examine, or cause to be
14 examined, under oath, any licensee, and to examine or cause
15 to be examined the books and records of such licensee; to
16 hear testimony and take proof material for its information
17 in the discharge of its duties hereunder; to administer or
18 cause to be administered oaths; for any such purpose to
19 issue subpoena or subpoenas to require the attendance of
20 witnesses and the production of books, which shall be
21 effective in any part of this State, and to adopt rules to
22 implement its powers under this paragraph (8).

23 Any Circuit Court may by order duly entered, require
24 the attendance of witnesses and the production of relevant
25 books subpoenaed by the State commission and the court may
26 compel obedience to its order by proceedings for contempt.

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

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

13 (11) To develop industry educational programs related
14 to responsible serving and selling, particularly in the
15 areas of overserving consumers and illegal underage
16 purchasing and consumption of alcoholic beverages.

17 (11.1) To license persons providing education and
18 training to alcohol beverage sellers and servers for
19 mandatory and non-mandatory training under the Beverage
20 Alcohol Sellers and Servers Education and Training
21 (BASSET) programs and to develop and administer a public
22 awareness program in Illinois to reduce or eliminate the
23 illegal purchase and consumption of alcoholic beverage
24 products by persons under the age of 21. Application for a
25 license shall be made on forms provided by the State
26 Commission.

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

3 (13) On or before January 15, 1994, the Commission
4 shall issue a written report to the Governor and General
5 Assembly that is to be based on a comprehensive study of
6 the impact on and implications for the State of Illinois of
7 Section 1926 of the Federal ADAMHA Reorganization Act of
8 1992 (Public Law 102-321). This study shall address the
9 extent to which Illinois currently complies with the
10 provisions of P.L. 102-321 and the rules promulgated
11 pursuant thereto.

12 As part of its report, the Commission shall provide the
13 following essential information:

14 (i) the number of retail distributors of tobacco
15 products, by type and geographic area, in the State;

16 (ii) the number of reported citations and
17 successful convictions, categorized by type and
18 location of retail distributor, for violation of the
19 Prevention of Tobacco Use by Minors and Sale and
20 Distribution of Tobacco Products Act and the Smokeless
21 Tobacco Limitation Act;

22 (iii) the extent and nature of organized
23 educational and governmental activities that are
24 intended to promote, encourage or otherwise secure
25 compliance with any Illinois laws that prohibit the
26 sale or distribution of tobacco products to minors; and

1 (iv) the level of access and availability of
2 tobacco products to individuals under the age of 18.

3 To obtain the data necessary to comply with the
4 provisions of P.L. 102-321 and the requirements of this
5 report, the Commission shall conduct random, unannounced
6 inspections of a geographically and scientifically
7 representative sample of the State's retail tobacco
8 distributors.

9 The Commission shall consult with the Department of
10 Public Health, the Department of Human Services, the
11 Illinois State Police and any other executive branch
12 agency, and private organizations that may have
13 information relevant to this report.

14 The Commission may contract with the Food and Drug
15 Administration of the U.S. Department of Health and Human
16 Services to conduct unannounced investigations of Illinois
17 tobacco vendors to determine compliance with federal laws
18 relating to the illegal sale of cigarettes and smokeless
19 tobacco products to persons under the age of 18.

20 (14) On or before April 30, 2008 and every 2 years
21 thereafter, the Commission shall present a written report
22 to the Governor and the General Assembly that shall be
23 based on a study of the impact of this amendatory Act of
24 the 95th General Assembly on the business of soliciting,
25 selling, and shipping wine from inside and outside of this
26 State directly to residents of this State. As part of its

1 report, the Commission shall provide all of the following
2 information:

3 (A) The amount of State excise and sales tax
4 revenues generated.

5 (B) The amount of licensing fees received.

6 (C) The number of cases of wine shipped from inside
7 and outside of this State directly to residents of this
8 State.

9 (D) The number of alcohol compliance operations
10 conducted.

11 (E) The number of winery shipper's licenses
12 issued.

13 (F) The number of each of the following: reported
14 violations; cease and desist notices issued by the
15 Commission; notices of violations issued by the
16 Commission and to the Department of Revenue; and
17 notices and complaints of violations to law
18 enforcement officials, including, without limitation,
19 the Illinois Attorney General and the U.S. Department
20 of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

21 (15) As a means to reduce the underage consumption of
22 alcoholic liquors, the Commission shall conduct alcohol
23 compliance operations to investigate whether businesses
24 that are soliciting, selling, and shipping wine from inside
25 or outside of this State directly to residents of this
26 State are licensed by this State or are selling or

1 attempting to sell wine to persons under 21 years of age in
2 violation of this Act.

3 (16) The Commission shall, in addition to notifying any
4 appropriate law enforcement agency, submit notices of
5 complaints or violations of Sections 6-29 and 6-29.1 by
6 persons who do not hold a winery shipper's license under
7 this amendatory Act to the Illinois Attorney General and to
8 the U.S. Department of Treasury's Alcohol and Tobacco Tax
9 and Trade Bureau.

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

22 (B) In the application, which shall be sworn under
23 penalty of perjury, such person shall state (1) the
24 date it was established; (2) its volume of production
25 and sales for each year since its establishment; (3)
26 its efforts to establish distributor relationships;

1 (4) that a self-distribution exemption is necessary to
2 facilitate the marketing of its wine; and (5) that it
3 will comply with the liquor and revenue laws of the
4 United States, this State, and any other state where it
5 is licensed.

6 (C) The Commission shall approve the application
7 for a self-distribution exemption if such person: (1)
8 is in compliance with State revenue and liquor laws;
9 (2) is not a member of any affiliated group that
10 produces more than 25,000 gallons of wine per annum or
11 produces any other alcoholic liquor; (3) will not
12 annually produce for sale more than 25,000 gallons of
13 wine; and (4) will not annually sell more than 5,000
14 gallons of its wine to retail licensees.

15 (D) A self-distribution exemption holder shall
16 annually certify to the Commission its production of
17 wine in the previous 12 months and its anticipated
18 production and sales for the next 12 months. The
19 Commission may fine, suspend, or revoke a
20 self-distribution exemption after a hearing if it
21 finds that the exemption holder has made a material
22 misrepresentation in its application, violated a
23 revenue or liquor law of Illinois, exceeded production
24 of 25,000 gallons of wine in any calendar year, or
25 become part of an affiliated group producing more than
26 25,000 gallons of wine or any other alcoholic liquor.

1 (E) Except in hearings for violations of this Act
2 or amendatory Act or a bona fide investigation by duly
3 sworn law enforcement officials, the Commission, or
4 its agents, the Commission shall maintain the
5 production and sales information of a
6 self-distribution exemption holder as confidential and
7 shall not release such information to any person.

8 (F) The Commission shall issue regulations
9 governing self-distribution exemptions consistent with
10 this Section and this Act.

11 (G) Nothing in this subsection (17) shall prohibit
12 a self-distribution exemption holder from entering
13 into or simultaneously having a distribution agreement
14 with a licensed Illinois distributor.

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

1 integrity of the 3-tier system.

2 (18) (A) A class 1 ~~craft~~ brewer licensee, who must also
3 be either a licensed brewer or licensed non-resident dealer
4 and annually manufacture less than 930,000 gallons of beer,
5 may make application to the State Commission for a
6 self-distribution exemption to allow the sale of not more
7 than 232,500 gallons of the exemption holder's beer to
8 retail licensees per year.

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

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

1 group that manufacturers more than 930,000 gallons of
2 beer per annum or produces any other alcoholic
3 beverages; (3) shall not annually manufacture for sale
4 more than 930,000 gallons of beer; ~~and~~ (4) shall not
5 annually sell more than 232,500 gallons of its beer to
6 retail licensees; and (5) has relinquished any brew pub
7 license held by the licensee, including any ownership
8 interest it held in the licensed brew pub.

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

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

25 (F) Nothing in this paragraph (18) shall prohibit a
26 self-distribution exemption holder from entering into

1 or simultaneously having a distribution agreement with
2 a licensed Illinois importing distributor or a
3 distributor. If a self-distribution exemption holder
4 enters into a distribution agreement and has assigned
5 distribution rights to an importing distributor or
6 distributor, then the self-distribution exemption
7 holder's distribution rights in the assigned
8 territories shall cease in a reasonable time not to
9 exceed 60 days.

10 (G) It is the intent of this paragraph (18) to
11 promote and continue orderly markets. The General
12 Assembly finds that in order to preserve Illinois'
13 regulatory distribution system, it is necessary to
14 create an exception for smaller manufacturers in order
15 to afford and allow such smaller manufacturers of beer
16 access to the marketplace in order to develop a
17 customer base without impairing the integrity of the
18 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 this
22 amendatory Act of 1998 on the business of soliciting, selling,
23 and shipping alcoholic liquor from outside of this State
24 directly 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 this amendatory Act of 1998;

3 (ii) the amount of licensing fees received as a result
4 of this amendatory Act of 1998;

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 of
8 Revenue, and the number of notices and complaints of
9 violations to law enforcement officials.

10 (Source: P.A. 97-5, eff. 6-1-11; 98-401, eff. 8-16-13; 98-939,
11 eff. 7-1-15; 98-941, eff. 1-1-15; revised 10-6-14.)

12 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

21 (b) Distributor's license,

22 (c) Importing Distributor's license,

23 (d) Retailer's license,

24 (e) Special Event Retailer's license (not-for-profit),

25 (f) Railroad license,

- 1 (g) Boat license,
- 2 (h) Non-Beverage User's license,
- 3 (i) Wine-maker's premises license,
- 4 (j) Airplane license,
- 5 (k) Foreign importer's license,
- 6 (l) Broker's license,
- 7 (m) Non-resident dealer's license,
- 8 (n) Brew Pub license,
- 9 (o) Auction liquor license,
- 10 (p) Caterer retailer license,
- 11 (q) Special use permit license,
- 12 (r) Winery shipper's license.

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

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

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

25 Class 2. A Rectifier, who is not a distiller, as defined
26 herein, may make sales and deliveries of alcoholic liquor to

1 rectifiers, importing distributors, distributors, retailers
2 and non-beverage users and to no other licensees.

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

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

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

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

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

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

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

14 Class 9. A craft distiller license shall allow the
15 manufacture of up to 30,000 gallons of spirits by distillation
16 for one year after the effective date of this amendatory Act of
17 the 97th General Assembly and up to 35,000 gallons of spirits
18 by distillation per year thereafter and the storage of such
19 spirits. If a craft distiller licensee is not affiliated with
20 any other manufacturer, then the craft distiller licensee may
21 sell such spirits to distributors in this State and up to 2,500
22 gallons of such spirits to non-licensees to the extent
23 permitted by any exemption approved by the Commission pursuant
24 to Section 6-4 of this Act.

25 Any craft distiller licensed under this Act who on the
26 effective date of this amendatory Act of the 96th General

1 Assembly was licensed as a distiller and manufactured no more
2 spirits than permitted by this Section shall not be required to
3 pay the initial licensing fee.

4 Class 10. A class 1 brewer ~~craft brewer's~~ license, which
5 may only be issued to a licensed brewer or licensed
6 non-resident dealer, shall allow the manufacture of up to
7 930,000 gallons of beer per year provided that the class 1
8 brewer licensee does not manufacture more than a combined
9 930,000 gallons of beer per year and is not a member of or
10 affiliated with, directly or indirectly, a manufacturer that
11 produces more than 930,000 gallons of beer per year or any
12 other alcoholic liquor. A class 1 ~~craft~~ brewer licensee may
13 make sales and deliveries to importing distributors and
14 distributors and to retail licensees in accordance with the
15 conditions set forth in paragraph (18) of subsection (a) of
16 Section 3-12 of this Act.

17 Class 11. A class 2 brewer license, which may only be
18 issued to a licensed brewer or licensed non-resident dealer,
19 shall allow the manufacture of up to 3,720,000 gallons of beer
20 per year provided that the class 2 brewer licensee does not
21 manufacture more than a combined 3,720,000 gallons of beer per
22 year and is not a member of or affiliated with, directly or
23 indirectly, a manufacturer that produces more than 3,720,000
24 gallons of beer per year or any other alcoholic liquor. A class
25 2 brewer licensee may make sales and deliveries to importing
26 distributors and distributors, but shall not make sales or

1 deliveries to any other licensee. If the State Commission
2 provides prior approval, a class 2 brewer licensee may annually
3 transfer up to 3,720,000 gallons of beer manufactured by that
4 class 2 brewer licensee to the premises of a licensed class 2
5 brewer wholly owned and operated by the same licensee.

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

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

1 suspension or revocation of the registration. The State
2 Commission shall post a list of registered agents on the
3 Commission's website.

4 (b) A distributor's license shall allow the wholesale
5 purchase and storage of alcoholic liquors and sale of alcoholic
6 liquors to licensees in this State and to persons without the
7 State, as may be permitted by law.

8 (c) An importing distributor's license may be issued to and
9 held by those only who are duly licensed distributors, upon the
10 filing of an application by a duly licensed distributor, with
11 the Commission and the Commission shall, without the payment of
12 any fee, immediately issue such importing distributor's
13 license to the applicant, which shall allow the importation of
14 alcoholic liquor by the licensee into this State from any point
15 in the United States outside this State, and the purchase of
16 alcoholic liquor in barrels, casks or other bulk containers and
17 the bottling of such alcoholic liquors before resale thereof,
18 but all bottles or containers so filled shall be sealed,
19 labeled, stamped and otherwise made to comply with all
20 provisions, rules and regulations governing manufacturers in
21 the preparation and bottling of alcoholic liquors. The
22 importing distributor's license shall permit such licensee to
23 purchase alcoholic liquor from Illinois licensed non-resident
24 dealers and foreign importers only.

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

1 the license, alcoholic liquor for use or consumption, but not
2 for resale in any form. Nothing in this amendatory Act of the
3 95th General Assembly shall deny, limit, remove, or restrict
4 the ability of a holder of a retailer's license to transfer,
5 deliver, or ship alcoholic liquor to the purchaser for use or
6 consumption subject to any applicable local law or ordinance.
7 Any retail license issued to a manufacturer shall only permit
8 the manufacturer to sell beer at retail on the premises
9 actually occupied by the manufacturer. For the purpose of
10 further describing the type of business conducted at a retail
11 licensed premises, a retailer's licensee may be designated by
12 the State Commission as (i) an on premise consumption retailer,
13 (ii) an off premise sale retailer, or (iii) a combined on
14 premise consumption and off premise sale retailer.

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

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

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

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

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

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

23 (h) A non-beverage user's license shall allow the licensee
24 to purchase alcoholic liquor from a licensed manufacturer or
25 importing distributor, without the imposition of any tax upon
26 the business of such licensed manufacturer or importing

1 distributor as to such alcoholic liquor to be used by such
 2 licensee solely for the non-beverage purposes set forth in
 3 subsection (a) of Section 8-1 of this Act, and such licenses
 4 shall be divided and classified and shall permit the purchase,
 5 possession and use of limited and stated quantities of
 6 alcoholic liquor as follows:

- 7 Class 1, not to exceed 500 gallons
- 8 Class 2, not to exceed 1,000 gallons
- 9 Class 3, not to exceed 5,000 gallons
- 10 Class 4, not to exceed 10,000 gallons
- 11 Class 5, not to exceed 50,000 gallons

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

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

14 (j) An airplane license shall permit the licensee to import
15 alcoholic liquors into this State from any point in the United
16 States outside this State and to store such alcoholic liquors
17 in this State; to make wholesale purchases of alcoholic liquors
18 directly from manufacturers, foreign importers, distributors
19 and importing distributors from within or outside this State;
20 and to store such alcoholic liquors in this State; provided
21 that the above powers may be exercised only in connection with
22 the importation, purchase or storage of alcoholic liquors to be
23 sold or dispensed on an airplane; and provided further, that
24 airplane licensees exercising the above powers shall be subject
25 to all provisions of Article VIII of this Act as applied to
26 importing distributors. An airplane licensee shall also permit

1 the sale or dispensing of alcoholic liquors on any passenger
2 airplane regularly operated by a common carrier in this State,
3 but shall not permit the sale for resale of any alcoholic
4 liquors to any licensee within this State. A single airplane
5 license shall be required of an airline company if liquor
6 service is provided on board aircraft in this State. The annual
7 fee for such license shall be as determined in Section 5-3.

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

23 (l) (i) A broker's license shall be required of all persons
24 who solicit orders for, offer to sell or offer to supply
25 alcoholic liquor to retailers in the State of Illinois, or who
26 offer to retailers to ship or cause to be shipped or to make

1 contact with distillers, rectifiers, brewers or manufacturers
2 or any other party within or without the State of Illinois in
3 order that alcoholic liquors be shipped to a distributor,
4 importing distributor or foreign importer, whether such
5 solicitation or offer is consummated within or without the
6 State of Illinois.

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

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

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

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

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

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

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

1 Sections 6-5 and 6-6 of this Act to the same extent that these
2 provisions apply to manufacturers.

3 (n) A brew pub license shall allow the licensee to only (i)
4 ~~to~~ manufacture up to 155,000 gallons of beer per year only on
5 the premises specified in the license, (ii) ~~to~~ make sales of
6 the beer manufactured on the premises or, with the approval of
7 the Commission, beer manufactured on another brew pub licensed
8 premises that is wholly ~~substantially~~ owned and operated by the
9 same licensee to importing distributors, distributors, and to
10 non-licensees for use and consumption, (iii) ~~to~~ store the beer
11 upon the premises, ~~and~~ (iv) ~~to~~ sell and offer for sale at
12 retail from the licensed premises, ~~provided that a brew pub~~
13 ~~licensee shall not sell~~ for off-premises consumption no more
14 than 155,000 ~~50,000~~ gallons per year so long as such sales are
15 only made in-person, (v) sell and offer for sale at retail for
16 use and consumption on the premises specified in the license
17 any form of alcoholic liquor purchased from a licensed
18 distributor or importing distributor, and (vi) with the prior
19 approval of the Commission, annually transfer no more than
20 155,000 gallons of beer manufactured on the premises to a
21 licensed brew pub wholly owned and operated by the same
22 licensee.

23 A brew pub licensee shall not under any circumstance sell
24 or offer for sale beer manufactured by the brew pub licensee to
25 retail licensees.

26 A person who holds a class 2 brewer license may

1 simultaneously hold a brew pub license if the class 2 brewer
2 (i) does not, under any circumstance, sell or offer for sale
3 beer manufactured by the class 2 brewer to retail licensees;
4 (ii) does not hold more than 3 brew pub licenses in this State;
5 (iii) does not manufacture more than a combined 3,720,000
6 gallons of beer per year, including the beer manufactured at
7 the brew pub; and (iv) is not a member of or affiliated with,
8 directly or indirectly, a manufacturer that produces more than
9 3,720,000 gallons of beer per year or any other alcoholic
10 liquor.

11 Notwithstanding any other provision of this Act, a licensed
12 brewer, class 2 brewer, or non-resident dealer who before July
13 1, 2015 manufactured less than than 3,720,000 gallons of beer
14 per year and held a brew pub license on or before July 1, 2015
15 may (i) continue to qualify for and hold that brew pub license
16 for the licensed premises and (ii) manufacture more than
17 3,720,000 gallons of beer per year and continue to qualify for
18 and hold that brew pub license if that brewer, class 2 brewer,
19 or non-resident dealer does not simultaneously hold a class 1
20 brewer license and is not a member of or affiliated with,
21 directly or indirectly, a manufacturer that produces more than
22 3,720,000 gallons of beer per year or that produces any other
23 alcoholic liquor.

24 ~~A person who holds a brew pub license may simultaneously~~
25 ~~hold a craft brewer license if he or she otherwise qualifies~~
26 ~~for the craft brewer license and the craft brewer license is~~

1 ~~for a location separate from the brew pub's licensed premises.~~
2 ~~A brew pub license shall permit a person who has received prior~~
3 ~~approval from the Commission to annually transfer no more than~~
4 ~~a total of 50,000 gallons of beer manufactured on premises to~~
5 ~~all other licensed brew pubs that are substantially owned and~~
6 ~~operated by the same person.~~

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

12 (p) An auction liquor license shall allow the licensee to
13 sell and offer for sale at auction wine and spirits for use or
14 consumption, or for resale by an Illinois liquor licensee in
15 accordance with provisions of this Act. An auction liquor
16 license will be issued to a person and it will permit the
17 auction liquor licensee to hold the auction anywhere in the
18 State. An auction liquor license must be obtained for each
19 auction at least 14 days in advance of the auction date.

20 (q) A special use permit license shall allow an Illinois
21 licensed retailer to transfer a portion of its alcoholic liquor
22 inventory from its retail licensed premises to the premises
23 specified in the license hereby created, and to sell or offer
24 for sale at retail, only in the premises specified in the
25 license hereby created, the transferred alcoholic liquor for
26 use or consumption, but not for resale in any form. A special

1 use permit license may be granted for the following time
2 periods: one day or less; 2 or more days to a maximum of 15 days
3 per location in any 12 month period. An applicant for the
4 special use permit license must also submit with the
5 application proof satisfactory to the State Commission that the
6 applicant will provide dram shop liability insurance to the
7 maximum limits and have local authority approval.

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

1 ensuring compliance with this amendatory Act.

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

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

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

5 (Source: P.A. 97-5, eff. 6-1-11; 97-455, eff. 8-19-11; 97-813,
 6 eff. 7-13-12; 97-1166, eff. 3-1-13; 98-394, eff. 8-16-13;
 7 98-401, eff. 8-16-13; 98-756, eff. 7-16-14.)

8 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

9 Sec. 5-3. License fees. Except as otherwise provided
 10 herein, at the time application is made to the State Commission
 11 for a license of any class, the applicant shall pay to the
 12 State Commission the fee hereinafter provided for the kind of
 13 license applied for.

14 The fee for licenses issued by the State Commission shall
 15 be as follows:

16 For a manufacturer's license:

17	Class 1. Distiller	\$3,600
18	Class 2. Rectifier	3,600
19	Class 3. Brewer	900
20	Class 4. First-class Wine Manufacturer	600
21	Class 5. Second-class	
22	Wine Manufacturer	1,200
23	Class 6. First-class wine-maker	600
24	Class 7. Second-class wine-maker	1200
25	Class 8. Limited Wine Manufacturer	120

1	Class 9. Craft Distiller	1,800
2	Class 10. <u>Class 1</u> Craft Brewer	25
3	<u>Class 11. Class 2 Brewer</u>	<u>25</u>
4	For a Brew Pub License	1,050
5	For a caterer retailer's license	200
6	For a foreign importer's license	25
7	For an importing distributor's license	25
8	For a distributor's license	270
9	For a non-resident dealer's license	
10	(500,000 gallons or over)	270
11	For a non-resident dealer's license	
12	(under 500,000 gallons)	90
13	For a wine-maker's premises license	100
14	For a winery shipper's license	
15	(under 250,000 gallons)	150
16	For a winery shipper's license	
17	(250,000 or over, but under 500,000 gallons)	500
18	For a winery shipper's license	
19	(500,000 gallons or over)	1,000
20	For a wine-maker's premises license,	
21	second location	350
22	For a wine-maker's premises license,	
23	third location	350
24	For a retailer's license	500
25	For a special event retailer's license,	
26	(not-for-profit)	25

1	For a special use permit license,	
2	one day only	50
3	2 days or more	100
4	For a railroad license	60
5	For a boat license	180
6	For an airplane license, times the	
7	licensee's maximum number of aircraft	
8	in flight, serving liquor over the	
9	State at any given time, which either	
10	originate, terminate, or make	
11	an intermediate stop in the State	60
12	For a non-beverage user's license:	
13	Class 1	24
14	Class 2	60
15	Class 3	120
16	Class 4	240
17	Class 5	600
18	For a broker's license	600
19	For an auction liquor license	50
20	For a homebrewer special event permit	25

21 Fees collected under this Section shall be paid into the
22 Dram Shop Fund. On and after July 1, 2003, of the funds
23 received for a retailer's license, in addition to the first
24 \$175, an additional \$75 shall be paid into the Dram Shop Fund,
25 and \$250 shall be paid into the General Revenue Fund. Beginning
26 June 30, 1990 and on June 30 of each subsequent year through

1 June 29, 2003, any balance over \$5,000,000 remaining in the
2 Dram Shop Fund shall be credited to State liquor licensees and
3 applied against their fees for State liquor licenses for the
4 following year. The amount credited to each licensee shall be a
5 proportion of the balance in the Dram Fund that is the same as
6 the proportion of the license fee paid by the licensee under
7 this Section for the period in which the balance was
8 accumulated to the aggregate fees paid by all licensees during
9 that period.

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

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

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

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

20 (Source: P.A. 97-5, eff. 6-1-11; 98-55, eff. 7-5-13.)

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

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

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

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

22 (b) The foregoing provisions shall not apply to any person
23 licensed by any licensing authority as a distiller or wine
24 manufacturer, or to any subsidiary or affiliate of any
25 distiller or wine manufacturer who shall have been heretofore
26 licensed by the State Commission as either an importing

1 distributor or distributor during the annual licensing period
2 expiring June 30, 1947, and shall actually have made sales
3 regularly to retailers.

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

25 (d) It shall be unlawful for any distiller licensed
26 anywhere to have any stock ownership or interest in any

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

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

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

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

15 A person licensed as a craft distiller not affiliated with
16 any other person manufacturing spirits may be authorized by the
17 Commission to sell up to 2,500 gallons of spirits produced by
18 the person to non-licensees for on or off-premises consumption
19 for the premises in which he or she actually conducts business
20 permitting only the retail sale of spirits manufactured at such
21 premises. Such sales shall be limited to on-premises, in-person
22 sales only, for lawful consumption on or off premises, and such
23 authorization shall be considered a privilege granted by the
24 craft distiller license. A craft distiller licensed for retail
25 sale shall secure liquor liability insurance coverage in an
26 amount at least equal to the maximum liability amounts set

1 forth in subsection (a) of Section 6-21 of this Act.

2 (f) However, the foregoing prohibitions against any person
3 licensed as a distiller or wine manufacturer being issued a
4 retailer's license shall not apply:

5 (i) to any hotel, motel or restaurant whose principal
6 business is not the sale of alcoholic liquors if said
7 retailer's sales of any alcoholic liquors manufactured,
8 sold, distributed or controlled, directly or indirectly,
9 by any affiliate, subsidiary, officer, associate, member,
10 partner, representative, employee, agent or shareholder
11 owning more than 5% of the outstanding shares of such
12 person does not exceed 10% of the total alcoholic liquor
13 sales of said retail licensee; and

14 (ii) where the Commission determines, having
15 considered the public welfare, the economic impact upon the
16 State and the entirety of the facts and circumstances
17 involved, that the purpose and intent of this Section would
18 not be violated by granting an exemption.

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 (Source: P.A. 96-1367, eff. 7-28-10; 97-606, eff. 8-26-11;

1 97-1166, eff. 3-1-13.)

2 (235 ILCS 5/6-5) (from Ch. 43, par. 122)

3 Sec. 6-5. Except as otherwise provided in this Section, it
4 is unlawful for any person having a retailer's license or any
5 officer, associate, member, representative or agent of such
6 licensee to accept, receive or borrow money, or anything else
7 of value, or accept or receive credit (other than merchandising
8 credit in the ordinary course of business for a period not to
9 exceed 30 days) directly or indirectly from any manufacturer,
10 importing distributor or distributor of alcoholic liquor, or
11 from any person connected with or in any way representing, or
12 from any member of the family of, such manufacturer, importing
13 distributor, distributor or wholesaler, or from any
14 stockholders in any corporation engaged in manufacturing,
15 distributing or wholesaling of such liquor, or from any
16 officer, manager, agent or representative of said
17 manufacturer. Except as provided below, it is unlawful for any
18 manufacturer or distributor or importing distributor to give or
19 lend money or anything of value, or otherwise loan or extend
20 credit (except such merchandising credit) directly or
21 indirectly to any retail licensee or to the manager,
22 representative, agent, officer or director of such licensee. A
23 manufacturer, distributor or importing distributor may furnish
24 free advertising, posters, signs, brochures, hand-outs, or
25 other promotional devices or materials to any unit of

1 government owning or operating any auditorium, exhibition
2 hall, recreation facility or other similar facility holding a
3 retailer's license, provided that the primary purpose of such
4 promotional devices or materials is to promote public events
5 being held at such facility. A unit of government owning or
6 operating such a facility holding a retailer's license may
7 accept such promotional devices or materials designed
8 primarily to promote public events held at the facility. No
9 retail licensee delinquent beyond the 30 day period specified
10 in this Section shall solicit, accept or receive credit,
11 purchase or acquire alcoholic liquors, directly or indirectly
12 from any other licensee, and no manufacturer, distributor or
13 importing distributor shall knowingly grant or extend credit,
14 sell, furnish or supply alcoholic liquors to any such
15 delinquent retail licensee; provided that the purchase price of
16 all beer sold to a retail licensee shall be paid by the retail
17 licensee in cash on or before delivery of the beer, and unless
18 the purchase price payable by a retail licensee for beer sold
19 to him in returnable bottles shall expressly include a charge
20 for the bottles and cases, the retail licensee shall, on or
21 before delivery of such beer, pay the seller in cash a deposit
22 in an amount not less than the deposit required to be paid by
23 the distributor to the brewer; but where the brewer sells
24 direct to the retailer, the deposit shall be an amount no less
25 than that required by the brewer from his own distributors; and
26 provided further, that in no instance shall this deposit be

1 less than 50 cents for each case of beer in pint or smaller
2 bottles and 60 cents for each case of beer in quart or
3 half-gallon bottles; and provided further, that the purchase
4 price of all beer sold to an importing distributor or
5 distributor shall be paid by such importing distributor or
6 distributor in cash on or before the 15th day (Sundays and
7 holidays excepted) after delivery of such beer to such
8 purchaser; and unless the purchase price payable by such
9 importing distributor or distributor for beer sold in
10 returnable bottles and cases shall expressly include a charge
11 for the bottles and cases, such importing distributor or
12 distributor shall, on or before the 15th day (Sundays and
13 holidays excepted) after delivery of such beer to such
14 purchaser, pay the seller in cash a required amount as a
15 deposit to assure the return of such bottles and cases. Nothing
16 herein contained shall prohibit any licensee from crediting or
17 refunding to a purchaser the actual amount of money paid for
18 bottles, cases, kegs or barrels returned by the purchaser to
19 the seller or paid by the purchaser as a deposit on bottles,
20 cases, kegs or barrels, when such containers or packages are
21 returned to the seller. Nothing herein contained shall prohibit
22 any manufacturer, importing distributor or distributor from
23 extending usual and customary credit for alcoholic liquor sold
24 to customers or purchasers who live in or maintain places of
25 business outside of this State when such alcoholic liquor is
26 actually transported and delivered to such points outside of

1 this State.

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

1 retailer shall accept any payment or reimbursement, directly or
2 indirectly, for any social media advertising services offered
3 by a manufacturer, distributor, or importing distributor,
4 except as specifically permitted in this Act. For the purposes
5 of this Section, "social media" means a service, platform, or
6 site where users communicate with one another and share media,
7 such as pictures, videos, music, and blogs, with other users
8 free of charge.

9 No right of action shall exist for the collection of any
10 claim based upon credit extended to a distributor, importing
11 distributor or retail licensee contrary to the provisions of
12 this Section.

13 Every manufacturer, importing distributor and distributor
14 shall submit or cause to be submitted, to the State Commission,
15 in triplicate, not later than Thursday of each calendar week, a
16 verified written list of the names and respective addresses of
17 each retail licensee purchasing spirits or wine from such
18 manufacturer, importing distributor or distributor who, on the
19 first business day of that calendar week, was delinquent beyond
20 the above mentioned permissible merchandising credit period of
21 30 days; or, if such is the fact, a verified written statement
22 that no retail licensee purchasing spirits or wine was then
23 delinquent beyond such permissible merchandising credit period
24 of 30 days.

25 Every manufacturer, importing distributor and distributor
26 shall submit or cause to be submitted, to the State Commission,

1 in triplicate, a verified written list of the names and
2 respective addresses of each previously reported delinquent
3 retail licensee who has cured such delinquency by payment,
4 which list shall be submitted not later than the close of the
5 second full business day following the day such delinquency was
6 so cured.

7 Such written verified reports required to be submitted by
8 this Section shall be posted by the State Commission in each of
9 its offices in places available for public inspection not later
10 than the day following receipt thereof by the Commission. The
11 reports so posted shall constitute notice to every
12 manufacturer, importing distributor and distributor of the
13 information contained therein. Actual notice to manufacturers,
14 importing distributors and distributors of the information
15 contained in any such posted reports, however received, shall
16 also constitute notice of such information.

17 The 30 day merchandising credit period allowed by this
18 Section shall commence with the day immediately following the
19 date of invoice and shall include all successive days including
20 Sundays and holidays to and including the 30th successive day.

21 In addition to other methods allowed by law, payment by
22 check during the period for which merchandising credit may be
23 extended under the provisions of this Section shall be
24 considered payment. All checks received in payment for
25 alcoholic liquor shall be promptly deposited for collection. A
26 post dated check or a check dishonored on presentation for

1 payment shall not be deemed payment.

2 A retail licensee shall not be deemed to be delinquent in
3 payment for any alleged sale to him of alcoholic liquor when
4 there exists a bona fide dispute between such retailer and a
5 manufacturer, importing distributor or distributor with
6 respect to the amount of indebtedness existing because of such
7 alleged sale.

8 A delinquent retail licensee who engages in the retail
9 liquor business at 2 or more locations shall be deemed to be
10 delinquent with respect to each such location.

11 The license of any person who violates any provision of
12 this Section shall be subject to suspension or revocation in
13 the manner provided by this Act.

14 If any part or provision of this Article or the application
15 thereof to any person or circumstances shall be adjudged
16 invalid by a court of competent jurisdiction, such judgment
17 shall be confined by its operation to the controversy in which
18 it was mentioned and shall not affect or invalidate the
19 remainder of this Article or the application thereof to any
20 other person or circumstance and to this and the provisions of
21 this Article are declared severable.

22 (Source: P.A. 83-762.)

23 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

24 Sec. 6-6. Except as otherwise provided in this Act no
25 manufacturer or distributor or importing distributor shall,

1 directly or indirectly, sell, supply, furnish, give or pay for,
2 or loan or lease, any furnishing, fixture or equipment on the
3 premises of a place of business of another licensee authorized
4 under this Act to sell alcoholic liquor at retail, either for
5 consumption on or off the premises, nor shall he or she,
6 directly or indirectly, pay for any such license, or advance,
7 furnish, lend or give money for payment of such license, or
8 purchase or become the owner of any note, mortgage, or other
9 evidence of indebtedness of such licensee or any form of
10 security therefor, nor shall such manufacturer, or
11 distributor, or importing distributor, directly or indirectly,
12 be interested in the ownership, conduct or operation of the
13 business of any licensee authorized to sell alcoholic liquor at
14 retail, nor shall any manufacturer, or distributor, or
15 importing distributor be interested directly or indirectly or
16 as owner or part owner of said premises or as lessee or lessor
17 thereof, in any premises upon which alcoholic liquor is sold at
18 retail.

19 No manufacturer or distributor or importing distributor
20 shall, directly or indirectly or through a subsidiary or
21 affiliate, or by any officer, director or firm of such
22 manufacturer, distributor or importing distributor, furnish,
23 give, lend or rent, install, repair or maintain, to or for any
24 retail licensee in this State, any signs or inside advertising
25 materials except as provided in this Section and Section 6-5.
26 With respect to retail licensees, other than any government

1 owned or operated auditorium, exhibition hall, recreation
2 facility or other similar facility holding a retailer's license
3 as described in Section 6-5, a manufacturer, distributor, or
4 importing distributor may furnish, give, lend or rent and
5 erect, install, repair and maintain to or for any retail
6 licensee, for use at any one time in or about or in connection
7 with a retail establishment on which the products of the
8 manufacturer, distributor or importing distributor are sold,
9 the following signs and inside advertising materials as
10 authorized in subparts (i), (ii), (iii), and (iv):

11 (i) Permanent outside signs shall be limited to one
12 outside sign, per brand, in place and in use at any one
13 time, costing not more than \$893, exclusive of erection,
14 installation, repair and maintenance costs, and permit
15 fees and shall bear only the manufacturer's name, brand
16 name, trade name, slogans, markings, trademark, or other
17 symbols commonly associated with and generally used in
18 identifying the product including, but not limited to,
19 "cold beer", "on tap", "carry out", and "packaged liquor".

20 (ii) Temporary outside signs shall be limited to one
21 temporary outside sign per brand. Examples of temporary
22 outside signs are banners, flags, pennants, streamers, and
23 other items of a temporary and non-permanent nature. Each
24 temporary outside sign must include the manufacturer's
25 name, brand name, trade name, slogans, markings,
26 trademark, or other symbol commonly associated with and

1 generally used in identifying the product. Temporary
2 outside signs may also include, for example, the product,
3 price, packaging, date or dates of a promotion and an
4 announcement of a retail licensee's specific sponsored
5 event, if the temporary outside sign is intended to promote
6 a product, and provided that the announcement of the retail
7 licensee's event and the product promotion are held
8 simultaneously. However, temporary outside signs may not
9 include names, slogans, markings, or logos that relate to
10 the retailer. Nothing in this subpart (ii) shall prohibit a
11 distributor or importing distributor from bearing the cost
12 of creating or printing a temporary outside sign for the
13 retail licensee's specific sponsored event or from bearing
14 the cost of creating or printing a temporary sign for a
15 retail licensee containing, for example, community
16 goodwill expressions, regional sporting event
17 announcements, or seasonal messages, provided that the
18 primary purpose of the temporary outside sign is to
19 highlight, promote, or advertise the product. In addition,
20 temporary outside signs provided by the manufacturer to the
21 distributor or importing distributor may also include, for
22 example, subject to the limitations of this Section,
23 preprinted community goodwill expressions, sporting event
24 announcements, seasonal messages, and manufacturer
25 promotional announcements. However, a distributor or
26 importing distributor shall not bear the cost of such

1 manufacturer preprinted signs.

2 (iii) Permanent inside signs, whether visible from the
3 outside or the inside of the premises, include, but are not
4 limited to: alcohol lists and menus that may include names,
5 slogans, markings, or logos that relate to the retailer;
6 neons; illuminated signs; clocks; table lamps; mirrors;
7 tap handles; decalcomanias; window painting; and window
8 trim. All permanent inside signs in place and in use at any
9 one time shall cost in the aggregate not more than \$2000
10 per manufacturer. A permanent inside sign must include the
11 manufacturer's name, brand name, trade name, slogans,
12 markings, trademark, or other symbol commonly associated
13 with and generally used in identifying the product.
14 However, permanent inside signs may not include names,
15 slogans, markings, or logos that relate to the retailer.
16 For the purpose of this subpart (iii), all permanent inside
17 signs may be displayed in an adjacent courtyard or patio
18 commonly referred to as a "beer garden" that is a part of
19 the retailer's licensed premises.

20 (iv) Temporary inside signs shall include, but are not
21 limited to, lighted chalk boards, acrylic table tent
22 beverage or hors d'oeuvre list holders, banners, flags,
23 pennants, streamers, and inside advertising materials such
24 as posters, placards, bowling sheets, table tents, inserts
25 for acrylic table tent beverage or hors d'oeuvre list
26 holders, sports schedules, or similar printed or

1 illustrated materials; however, such items, for example,
2 as coasters, trays, napkins, glassware and cups shall not
3 be deemed to be inside signs or advertising materials and
4 may only be sold to retailers. All temporary inside signs
5 and inside advertising materials in place and in use at any
6 one time shall cost in the aggregate not more than \$325 per
7 manufacturer. Nothing in this subpart (iv) prohibits a
8 distributor or importing distributor from paying the cost
9 of printing or creating any temporary inside banner or
10 inserts for acrylic table tent beverage or hors d'oeuvre
11 list holders for a retail licensee, provided that the
12 primary purpose for the banner or insert is to highlight,
13 promote, or advertise the product. For the purpose of this
14 subpart (iv), all temporary inside signs and inside
15 advertising materials may be displayed in an adjacent
16 courtyard or patio commonly referred to as a "beer garden"
17 that is a part of the retailer's licensed premises.

18 A "cost adjustment factor" shall be used to periodically
19 update the dollar limitations prescribed in subparts (i),
20 (iii), and (iv). The Commission shall establish the adjusted
21 dollar limitation on an annual basis beginning in January,
22 1997. The term "cost adjustment factor" means a percentage
23 equal to the change in the Bureau of Labor Statistics Consumer
24 Price Index or 5%, whichever is greater. The restrictions
25 contained in this Section 6-6 do not apply to signs, or
26 promotional or advertising materials furnished by

1 manufacturers, distributors or importing distributors to a
2 government owned or operated facility holding a retailer's
3 license as described in Section 6-5.

4 No distributor or importing distributor shall directly or
5 indirectly or through a subsidiary or affiliate, or by any
6 officer, director or firm of such manufacturer, distributor or
7 importing distributor, furnish, give, lend or rent, install,
8 repair or maintain, to or for any retail licensee in this
9 State, any signs or inside advertising materials described in
10 subparts (i), (ii), (iii), or (iv) of this Section except as
11 the agent for or on behalf of a manufacturer, provided that the
12 total cost of any signs and inside advertising materials
13 including but not limited to labor, erection, installation and
14 permit fees shall be paid by the manufacturer whose product or
15 products said signs and inside advertising materials advertise
16 and except as follows:

17 A distributor or importing distributor may purchase from or
18 enter into a written agreement with a manufacturer or a
19 manufacturer's designated supplier and such manufacturer or
20 the manufacturer's designated supplier may sell or enter into
21 an agreement to sell to a distributor or importing distributor
22 permitted signs and advertising materials described in
23 subparts (ii), (iii), or (iv) of this Section for the purpose
24 of furnishing, giving, lending, renting, installing,
25 repairing, or maintaining such signs or advertising materials
26 to or for any retail licensee in this State. Any purchase by a

1 distributor or importing distributor from a manufacturer or a
2 manufacturer's designated supplier shall be voluntary and the
3 manufacturer may not require the distributor or the importing
4 distributor to purchase signs or advertising materials from the
5 manufacturer or the manufacturer's designated supplier.

6 A distributor or importing distributor shall be deemed the
7 owner of such signs or advertising materials purchased from a
8 manufacturer or a manufacturer's designated supplier.

9 The provisions of Public Act 90-373 concerning signs or
10 advertising materials delivered by a manufacturer to a
11 distributor or importing distributor shall apply only to signs
12 or advertising materials delivered on or after August 14, 1997.

13 A manufacturer, distributor, or importing distributor may
14 furnish free social media advertising to a retail licensee if
15 the social media advertisement does not contain the retail
16 price of any alcoholic liquor and the social media
17 advertisement complies with any applicable rules or
18 regulations issued by the Alcohol and Tobacco Tax and Trade
19 Bureau of the United States Department of the Treasury. A
20 manufacturer, distributor, or importing distributor may list
21 the names of one or more unaffiliated retailers in the
22 advertisement of alcoholic liquor through social media.
23 Nothing in this Section shall prohibit a retailer from
24 communicating with a manufacturer, distributor, or importing
25 distributor on social media or sharing media on the social
26 media of a manufacturer, distributor, or importing

1 distributor. A retailer may request free social media
2 advertising from a manufacturer, distributor, or importing
3 distributor. Nothing in this Section shall prohibit a
4 manufacturer, distributor, or importing distributor from
5 sharing, reposting, or otherwise forwarding a social media post
6 by a retail licensee, so long as the sharing, reposting, or
7 forwarding of the social media post does not contain the retail
8 price of any alcoholic liquor. No manufacturer, distributor, or
9 importing distributor shall pay or reimburse a retailer,
10 directly or indirectly, for any social media advertising
11 services, except as specifically permitted in this Act. No
12 retailer shall accept any payment or reimbursement, directly or
13 indirectly, for any social media advertising services offered
14 by a manufacturer, distributor, or importing distributor,
15 except as specifically permitted in this Act. For the purposes
16 of this Section, "social media" means a service, platform, or
17 site where users communicate with one another and share media,
18 such as pictures, videos, music, and blogs, with other users
19 free of charge.

20 No person engaged in the business of manufacturing,
21 importing or distributing alcoholic liquors shall, directly or
22 indirectly, pay for, or advance, furnish, or lend money for the
23 payment of any license for another. Any licensee who shall
24 permit or assent, or be a party in any way to any violation or
25 infringement of the provisions of this Section shall be deemed
26 guilty of a violation of this Act, and any money loaned

1 contrary to a provision of this Act shall not be recovered
2 back, or any note, mortgage or other evidence of indebtedness,
3 or security, or any lease or contract obtained or made contrary
4 to this Act shall be unenforceable and void.

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

8 (Source: P.A. 98-756, eff. 7-16-14.)

9 (235 ILCS 5/6-11)

10 Sec. 6-11. Sale near churches, schools, and hospitals.

11 (a) No license shall be issued for the sale at retail of
12 any alcoholic liquor within 100 feet of any church, school
13 other than an institution of higher learning, hospital, home
14 for aged or indigent persons or for veterans, their spouses or
15 children or any military or naval station, provided, that this
16 prohibition shall not apply to hotels offering restaurant
17 service, regularly organized clubs, or to restaurants, food
18 shops or other places where sale of alcoholic liquors is not
19 the principal business carried on if the place of business so
20 exempted is not located in a municipality of more than 500,000
21 persons, unless required by local ordinance; nor to the renewal
22 of a license for the sale at retail of alcoholic liquor on
23 premises within 100 feet of any church or school where the
24 church or school has been established within such 100 feet
25 since the issuance of the original license. In the case of a

1 church, the distance of 100 feet shall be measured to the
2 nearest part of any building used for worship services or
3 educational programs and not to property boundaries.

4 (b) Nothing in this Section shall prohibit the issuance of
5 a retail license authorizing the sale of alcoholic liquor to a
6 restaurant, the primary business of which is the sale of goods
7 baked on the premises if (i) the restaurant is newly
8 constructed and located on a lot of not less than 10,000 square
9 feet, (ii) the restaurant costs at least \$1,000,000 to
10 construct, (iii) the licensee is the titleholder to the
11 premises and resides on the premises, and (iv) the construction
12 of the restaurant is completed within 18 months of the
13 effective date of this amendatory Act of 1998.

14 (c) Nothing in this Section shall prohibit the issuance of
15 a retail license authorizing the sale of alcoholic liquor
16 incidental to a restaurant if (1) the primary business of the
17 restaurant consists of the sale of food where the sale of
18 liquor is incidental to the sale of food and the applicant is a
19 completely new owner of the restaurant, (2) the immediately
20 prior owner or operator of the premises where the restaurant is
21 located operated the premises as a restaurant and held a valid
22 retail license authorizing the sale of alcoholic liquor at the
23 restaurant for at least part of the 24 months before the change
24 of ownership, and (3) the restaurant is located 75 or more feet
25 from a school.

26 (d) In the interest of further developing Illinois' economy

1 in the area of commerce, tourism, convention, and banquet
2 business, nothing in this Section shall prohibit issuance of a
3 retail license authorizing the sale of alcoholic beverages to a
4 restaurant, banquet facility, grocery store, or hotel having
5 not fewer than 150 guest room accommodations located in a
6 municipality of more than 500,000 persons, notwithstanding the
7 proximity of such hotel, restaurant, banquet facility, or
8 grocery store to any church or school, if the licensed premises
9 described on the license are located within an enclosed mall or
10 building of a height of at least 6 stories, or 60 feet in the
11 case of a building that has been registered as a national
12 landmark, or in a grocery store having a minimum of 56,010
13 square feet of floor space in a single story building in an
14 open mall of at least 3.96 acres that is adjacent to a public
15 school that opened as a boys technical high school in 1934, or
16 in a grocery store having a minimum of 31,000 square feet of
17 floor space in a single story building located a distance of
18 more than 90 feet but less than 100 feet from a high school
19 that opened in 1928 as a junior high school and became a senior
20 high school in 1933, and in each of these cases if the sale of
21 alcoholic liquors is not the principal business carried on by
22 the licensee.

23 For purposes of this Section, a "banquet facility" is any
24 part of a building that caters to private parties and where the
25 sale of alcoholic liquors is not the principal business.

26 (e) Nothing in this Section shall prohibit the issuance of

1 a license to a church or private school to sell at retail
2 alcoholic liquor if any such sales are limited to periods when
3 groups are assembled on the premises solely for the promotion
4 of some common object other than the sale or consumption of
5 alcoholic liquors.

6 (f) Nothing in this Section shall prohibit a church or
7 church affiliated school located in a home rule municipality or
8 in a municipality with 75,000 or more inhabitants from locating
9 within 100 feet of a property for which there is a preexisting
10 license to sell alcoholic liquor at retail. In these instances,
11 the local zoning authority may, by ordinance adopted
12 simultaneously with the granting of an initial special use
13 zoning permit for the church or church affiliated school,
14 provide that the 100-foot restriction in this Section shall not
15 apply to that church or church affiliated school and future
16 retail liquor licenses.

17 (g) Nothing in this Section shall prohibit the issuance of
18 a retail license authorizing the sale of alcoholic liquor at
19 premises within 100 feet, but not less than 90 feet, of a
20 public school if (1) the premises have been continuously
21 licensed to sell alcoholic liquor for a period of at least 50
22 years, (2) the premises are located in a municipality having a
23 population of over 500,000 inhabitants, (3) the licensee is an
24 individual who is a member of a family that has held the
25 previous 3 licenses for that location for more than 25 years,
26 (4) the principal of the school and the alderman of the ward in

1 which the school is located have delivered a written statement
2 to the local liquor control commissioner stating that they do
3 not object to the issuance of a license under this subsection
4 (g), and (5) the local liquor control commissioner has received
5 the written consent of a majority of the registered voters who
6 live within 200 feet of the premises.

7 (h) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor within premises and at an outdoor patio area attached to
11 premises that are located in a municipality with a population
12 in excess of 300,000 inhabitants and that are within 100 feet
13 of a church if:

14 (1) the sale of alcoholic liquor at the premises is
15 incidental to the sale of food,

16 (2) the sale of liquor is not the principal business
17 carried on by the licensee at the premises,

18 (3) the premises are less than 1,000 square feet,

19 (4) the premises are owned by the University of
20 Illinois,

21 (5) the premises are immediately adjacent to property
22 owned by a church and are not less than 20 nor more than 40
23 feet from the church space used for worship services, and

24 (6) the principal religious leader at the place of
25 worship has indicated his or her support for the issuance
26 of the license in writing.

1 (i) Notwithstanding any provision in this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license to sell alcoholic liquor at a premises
4 that is located within a municipality with a population in
5 excess of 300,000 inhabitants and is within 100 feet of a
6 church, synagogue, or other place of worship if:

7 (1) the primary entrance of the premises and the
8 primary entrance of the church, synagogue, or other place
9 of worship are at least 100 feet apart, on parallel
10 streets, and separated by an alley; and

11 (2) the principal religious leader at the place of
12 worship has not indicated his or her opposition to the
13 issuance or renewal of the license in writing.

14 (j) Notwithstanding any provision in this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 of a retail license authorizing the sale of alcoholic liquor at
17 a theater that is within 100 feet of a church if (1) the church
18 owns the theater, (2) the church leases the theater to one or
19 more entities, and (3) the theater is used by at least 5
20 different not-for-profit theater groups.

21 (k) Notwithstanding any provision in this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor at a premises that is located within a municipality with
25 a population in excess of 1,000,000 inhabitants and is within
26 100 feet of a school if:

1 (1) the primary entrance of the premises and the
2 primary entrance of the school are parallel, on different
3 streets, and separated by an alley;

4 (2) the southeast corner of the premises are at least
5 350 feet from the southwest corner of the school;

6 (3) the school was built in 1978;

7 (4) the sale of alcoholic liquor at the premises is
8 incidental to the sale of food;

9 (5) the sale of alcoholic liquor is not the principal
10 business carried on by the licensee at the premises;

11 (6) the applicant is the owner of the restaurant and
12 has held a valid license authorizing the sale of alcoholic
13 liquor for the business to be conducted on the premises at
14 a different location for more than 7 years; and

15 (7) the premises is at least 2,300 square feet and sits
16 on a lot that is between 6,100 and 6,150 square feet.

17 (1) Notwithstanding any provision in this Section to the
18 contrary, nothing in this Section shall prohibit the issuance
19 or renewal of a license authorizing the sale of alcoholic
20 liquor at a premises that is located within a municipality with
21 a population in excess of 1,000,000 inhabitants and is within
22 100 feet of a church or school if:

23 (1) the primary entrance of the premises and the
24 closest entrance of the church or school is at least 90
25 feet apart and no greater than 95 feet apart;

26 (2) the shortest distance between the premises and the

1 church or school is at least 80 feet apart and no greater
2 than 85 feet apart;

3 (3) the applicant is the owner of the restaurant and on
4 November 15, 2006 held a valid license authorizing the sale
5 of alcoholic liquor for the business to be conducted on the
6 premises for at least 14 different locations;

7 (4) the sale of alcoholic liquor at the premises is
8 incidental to the sale of food;

9 (5) the sale of alcoholic liquor is not the principal
10 business carried on by the licensee at the premises;

11 (6) the premises is at least 3,200 square feet and sits
12 on a lot that is between 7,150 and 7,200 square feet; and

13 (7) the principal religious leader at the place of
14 worship has not indicated his or her opposition to the
15 issuance or renewal of the license in writing.

16 (m) Notwithstanding any provision in this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor at a premises that is located within a municipality with
20 a population in excess of 1,000,000 inhabitants and is within
21 100 feet of a church if:

22 (1) the premises and the church are perpendicular, and
23 the primary entrance of the premises faces South while the
24 primary entrance of the church faces West and the distance
25 between the two entrances is more than 100 feet;

26 (2) the shortest distance between the premises lot line

1 and the exterior wall of the church is at least 80 feet;

2 (3) the church was established at the current location
3 in 1916 and the present structure was erected in 1925;

4 (4) the premises is a single story, single use building
5 with at least 1,750 square feet and no more than 2,000
6 square feet;

7 (5) the sale of alcoholic liquor at the premises is
8 incidental to the sale of food;

9 (6) the sale of alcoholic liquor is not the principal
10 business carried on by the licensee at the premises; and

11 (7) the principal religious leader at the place of
12 worship has not indicated his or her opposition to the
13 issuance or renewal of the license in writing.

14 (n) Notwithstanding any provision in this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license authorizing the sale of alcoholic
17 liquor at a premises that is located within a municipality with
18 a population in excess of 1,000,000 inhabitants and is within
19 100 feet of a school if:

20 (1) the school is a City of Chicago School District 299
21 school;

22 (2) the school is located within subarea E of City of
23 Chicago Residential Business Planned Development Number
24 70;

25 (3) the sale of alcoholic liquor is not the principal
26 business carried on by the licensee on the premises;

1 (4) the sale of alcoholic liquor at the premises is
2 incidental to the sale of food; and

3 (5) the administration of City of Chicago School
4 District 299 has expressed, in writing, its support for the
5 issuance of the license.

6 (o) Notwithstanding any provision of this Section to the
7 contrary, nothing in this Section shall prohibit the issuance
8 or renewal of a retail license authorizing the sale of
9 alcoholic liquor at a premises that is located within a
10 municipality in excess of 1,000,000 inhabitants and within 100
11 feet of a church if:

12 (1) the sale of alcoholic liquor at the premises is
13 incidental to the sale of food;

14 (2) the sale of alcoholic liquor is not the principal
15 business carried on by the licensee at the premises;

16 (3) the premises is located on a street that runs
17 perpendicular to the street on which the church is located;

18 (4) the primary entrance of the premises is at least
19 100 feet from the primary entrance of the church;

20 (5) the shortest distance between any part of the
21 premises and any part of the church is at least 60 feet;

22 (6) the premises is between 3,600 and 4,000 square feet
23 and sits on a lot that is between 3,600 and 4,000 square
24 feet; and

25 (7) the premises was built in the year 1909.

26 For purposes of this subsection (o), "premises" means a

1 place of business together with a privately owned outdoor
2 location that is adjacent to the place of business.

3 (p) Notwithstanding any provision in this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor at a premises that is located within a municipality with
7 a population in excess of 1,000,000 inhabitants and within 100
8 feet of a church if:

9 (1) the shortest distance between the backdoor of the
10 premises, which is used as an emergency exit, and the
11 church is at least 80 feet;

12 (2) the church was established at the current location
13 in 1889; and

14 (3) liquor has been sold on the premises since at least
15 1985.

16 (q) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor within a premises that is located in a municipality with
20 a population in excess of 1,000,000 inhabitants and within 100
21 feet of a church-owned property if:

22 (1) the premises is located within a larger building
23 operated as a grocery store;

24 (2) the area of the premises does not exceed 720 square
25 feet and the area of the larger building exceeds 18,000
26 square feet;

1 (3) the larger building containing the premises is
2 within 100 feet of the nearest property line of a
3 church-owned property on which a church-affiliated school
4 is located;

5 (4) the sale of liquor is not the principal business
6 carried on within the larger building;

7 (5) the primary entrance of the larger building and the
8 premises and the primary entrance of the church-affiliated
9 school are on different, parallel streets, and the distance
10 between the 2 primary entrances is more than 100 feet;

11 (6) the larger building is separated from the
12 church-owned property and church-affiliated school by an
13 alley;

14 (7) the larger building containing the premises and the
15 church building front are on perpendicular streets and are
16 separated by a street; and

17 (8) (Blank).

18 (r) Notwithstanding any provision of this Section to the
19 contrary, nothing in this Section shall prohibit the issuance,
20 renewal, or maintenance of a license authorizing the sale of
21 alcoholic liquor incidental to the sale of food within a
22 restaurant established in a premises that is located in a
23 municipality with a population in excess of 1,000,000
24 inhabitants and within 100 feet of a church if:

25 (1) the primary entrance of the church and the primary
26 entrance of the restaurant are at least 100 feet apart;

1 (2) the restaurant has operated on the ground floor and
2 lower level of a multi-story, multi-use building for more
3 than 40 years;

4 (3) the primary business of the restaurant consists of
5 the sale of food where the sale of liquor is incidental to
6 the sale of food;

7 (4) the sale of alcoholic liquor is conducted primarily
8 in the below-grade level of the restaurant to which the
9 only public access is by a staircase located inside the
10 restaurant; and

11 (5) the restaurant has held a license authorizing the
12 sale of alcoholic liquor on the premises for more than 40
13 years.

14 (s) Notwithstanding any provision of this Section to the
15 contrary, nothing in this Section shall prohibit renewal of a
16 license authorizing the sale of alcoholic liquor at a premises
17 that is located within a municipality with a population more
18 than 5,000 and less than 10,000 and is within 100 feet of a
19 church if:

20 (1) the church was established at the location within
21 100 feet of the premises after a license for the sale of
22 alcoholic liquor at the premises was first issued;

23 (2) a license for sale of alcoholic liquor at the
24 premises was first issued before January 1, 2007; and

25 (3) a license for the sale of alcoholic liquor on the
26 premises has been continuously in effect since January 1,

1 2007, except for interruptions between licenses of no more
2 than 90 days.

3 (t) Notwithstanding any provision of this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor incidental to the sale of food within a restaurant that
7 is established in a premises that is located in a municipality
8 with a population in excess of 1,000,000 inhabitants and within
9 100 feet of a school and a church if:

10 (1) the restaurant is located inside a five-story
11 building with over 16,800 square feet of commercial space;

12 (2) the area of the premises does not exceed 31,050
13 square feet;

14 (3) the area of the restaurant does not exceed 5,800
15 square feet;

16 (4) the building has no less than 78 condominium units;

17 (5) the construction of the building in which the
18 restaurant is located was completed in 2006;

19 (6) the building has 10 storefront properties, 3 of
20 which are used for the restaurant;

21 (7) the restaurant will open for business in 2010;

22 (8) the building is north of the school and separated
23 by an alley; and

24 (9) the principal religious leader of the church and
25 either the alderman of the ward in which the school is
26 located or the principal of the school have delivered a

1 written statement to the local liquor control commissioner
2 stating that he or she does not object to the issuance of a
3 license under this subsection (t).

4 (u) Notwithstanding any provision in this Section to the
5 contrary, nothing in this Section shall prohibit the issuance
6 or renewal of a license to sell alcoholic liquor at a premises
7 that is located within a municipality with a population in
8 excess of 1,000,000 inhabitants and within 100 feet of a school
9 if:

10 (1) the premises operates as a restaurant and has been
11 in operation since February 2008;

12 (2) the applicant is the owner of the premises;

13 (3) the sale of alcoholic liquor is incidental to the
14 sale of food;

15 (4) the sale of alcoholic liquor is not the principal
16 business carried on by the licensee on the premises;

17 (5) the premises occupy the first floor of a 3-story
18 building that is at least 90 years old;

19 (6) the rear lot of the school and the rear corner of
20 the building that the premises occupy are separated by an
21 alley;

22 (7) the distance from the southwest corner of the
23 property line of the school and the northeast corner of the
24 building that the premises occupy is at least 16 feet, 5
25 inches;

26 (8) the distance from the rear door of the premises to

1 the southwest corner of the property line of the school is
2 at least 93 feet;

3 (9) the school is a City of Chicago School District 299
4 school;

5 (10) the school's main structure was erected in 1902
6 and an addition was built to the main structure in 1959;
7 and

8 (11) the principal of the school and the alderman in
9 whose district the premises are located have expressed, in
10 writing, their support for the issuance of the license.

11 (v) Notwithstanding any provision in this Section to the
12 contrary, nothing in this Section shall prohibit the issuance
13 or renewal of a license authorizing the sale of alcoholic
14 liquor at a premises that is located within a municipality with
15 a population in excess of 1,000,000 inhabitants and is within
16 100 feet of a school if:

17 (1) the total land area of the premises for which the
18 license or renewal is sought is more than 600,000 square
19 feet;

20 (2) the premises for which the license or renewal is
21 sought has more than 600 parking stalls;

22 (3) the total area of all buildings on the premises for
23 which the license or renewal is sought exceeds 140,000
24 square feet;

25 (4) the property line of the premises for which the
26 license or renewal is sought is separated from the property

1 line of the school by a street;

2 (5) the distance from the school's property line to the
3 property line of the premises for which the license or
4 renewal is sought is at least 60 feet;

5 (6) as of the effective date of this amendatory Act of
6 the 97th General Assembly, the premises for which the
7 license or renewal is sought is located in the Illinois
8 Medical District.

9 (w) Notwithstanding any provision in this Section to the
10 contrary, nothing in this Section shall prohibit the issuance
11 or renewal of a license to sell alcoholic liquor at a premises
12 that is located within a municipality with a population in
13 excess of 1,000,000 inhabitants and within 100 feet of a church
14 if:

15 (1) the sale of alcoholic liquor at the premises is
16 incidental to the sale of food;

17 (2) the sale of alcoholic liquor is not the principal
18 business carried on by the licensee at the premises;

19 (3) the premises occupy the first floor and basement of
20 a 2-story building that is 106 years old;

21 (4) the premises is at least 7,000 square feet and
22 located on a lot that is at least 11,000 square feet;

23 (5) the premises is located directly west of the
24 church, on perpendicular streets, and separated by an
25 alley;

26 (6) the distance between the property line of the

1 premises and the property line of the church is at least 20
2 feet;

3 (7) the distance between the primary entrance of the
4 premises and the primary entrance of the church is at least
5 130 feet; and

6 (8) the church has been at its location for at least 40
7 years.

8 (x) Notwithstanding any provision of this Section to the
9 contrary, nothing in this Section shall prohibit the issuance
10 or renewal of a license authorizing the sale of alcoholic
11 liquor at a premises that is located within a municipality with
12 a population in excess of 1,000,000 inhabitants and within 100
13 feet of a church if:

14 (1) the sale of alcoholic liquor is not the principal
15 business carried on by the licensee at the premises;

16 (2) the church has been operating in its current
17 location since 1973;

18 (3) the premises has been operating in its current
19 location since 1988;

20 (4) the church and the premises are owned by the same
21 parish;

22 (5) the premises is used for cultural and educational
23 purposes;

24 (6) the primary entrance to the premises and the
25 primary entrance to the church are located on the same
26 street;

1 (7) the principal religious leader of the church has
2 indicated his support of the issuance of the license;

3 (8) the premises is a 2-story building of approximately
4 23,000 square feet; and

5 (9) the premises houses a ballroom on its ground floor
6 of approximately 5,000 square feet.

7 (y) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor at a premises that is located within a municipality with
11 a population in excess of 1,000,000 inhabitants and within 100
12 feet of a school if:

13 (1) the sale of alcoholic liquor is not the principal
14 business carried on by the licensee at the premises;

15 (2) the sale of alcoholic liquor at the premises is
16 incidental to the sale of food;

17 (3) according to the municipality, the distance
18 between the east property line of the premises and the west
19 property line of the school is 97.8 feet;

20 (4) the school is a City of Chicago School District 299
21 school;

22 (5) the school has been operating since 1959;

23 (6) the primary entrance to the premises and the
24 primary entrance to the school are located on the same
25 street;

26 (7) the street on which the entrances of the premises

1 and the school are located is a major diagonal
2 thoroughfare;

3 (8) the premises is a single-story building of
4 approximately 2,900 square feet; and

5 (9) the premises is used for commercial purposes only.

6 (z) Notwithstanding any provision of this Section to the
7 contrary, nothing in this Section shall prohibit the issuance
8 or renewal of a license authorizing the sale of alcoholic
9 liquor at a premises that is located within a municipality with
10 a population in excess of 1,000,000 inhabitants and within 100
11 feet of a mosque if:

12 (1) the sale of alcoholic liquor is not the principal
13 business carried on by the licensee at the premises;

14 (2) the licensee shall only sell packaged liquors at
15 the premises;

16 (3) the licensee is a national retail chain having over
17 100 locations within the municipality;

18 (4) the licensee has over 8,000 locations nationwide;

19 (5) the licensee has locations in all 50 states;

20 (6) the premises is located in the North-East quadrant
21 of the municipality;

22 (7) the premises is a free-standing building that has
23 "drive-through" pharmacy service;

24 (8) the premises has approximately 14,490 square feet
25 of retail space;

26 (9) the premises has approximately 799 square feet of

1 pharmacy space;

2 (10) the premises is located on a major arterial street
3 that runs east-west and accepts truck traffic; and

4 (11) the alderman of the ward in which the premises is
5 located has expressed, in writing, his or her support for
6 the issuance of the license.

7 (aa) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor at a premises that is located within a municipality with
11 a population in excess of 1,000,000 inhabitants and within 100
12 feet of a church if:

13 (1) the sale of alcoholic liquor is not the principal
14 business carried on by the licensee at the premises;

15 (2) the licensee shall only sell packaged liquors at
16 the premises;

17 (3) the licensee is a national retail chain having over
18 100 locations within the municipality;

19 (4) the licensee has over 8,000 locations nationwide;

20 (5) the licensee has locations in all 50 states;

21 (6) the premises is located in the North-East quadrant
22 of the municipality;

23 (7) the premises is located across the street from a
24 national grocery chain outlet;

25 (8) the premises has approximately 16,148 square feet
26 of retail space;

1 (9) the premises has approximately 992 square feet of
2 pharmacy space;

3 (10) the premises is located on a major arterial street
4 that runs north-south and accepts truck traffic; and

5 (11) the alderman of the ward in which the premises is
6 located has expressed, in writing, his or her support for
7 the issuance of the license.

8 (bb) Notwithstanding any provision of this Section to the
9 contrary, nothing in this Section shall prohibit the issuance
10 or renewal of a license authorizing the sale of alcoholic
11 liquor at a premises that is located within a municipality with
12 a population in excess of 1,000,000 inhabitants and within 100
13 feet of a church if:

14 (1) the sale of alcoholic liquor is not the principal
15 business carried on by the licensee at the premises;

16 (2) the sale of alcoholic liquor at the premises is
17 incidental to the sale of food;

18 (3) the primary entrance to the premises and the
19 primary entrance to the church are located on the same
20 street;

21 (4) the premises is across the street from the church;

22 (5) the street on which the premises and the church are
23 located is a major arterial street that runs east-west;

24 (6) the church is an elder-led and Bible-based Assyrian
25 church;

26 (7) the premises and the church are both single-story

1 buildings;

2 (8) the storefront directly west of the church is being
3 used as a restaurant; and

4 (9) the distance between the northern-most property
5 line of the premises and the southern-most property line of
6 the church is 65 feet.

7 (cc) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor at a premises that is located within a municipality with
11 a population in excess of 1,000,000 inhabitants and within 100
12 feet of a school if:

13 (1) the sale of alcoholic liquor is not the principal
14 business carried on by the licensee at the premises;

15 (2) the licensee shall only sell packaged liquors at
16 the premises;

17 (3) the licensee is a national retail chain;

18 (4) as of October 25, 2011, the licensee has 1,767
19 stores operating nationwide, 87 stores operating in the
20 State, and 10 stores operating within the municipality;

21 (5) the licensee shall occupy approximately 124,000
22 square feet of space in the basement and first and second
23 floors of a building located across the street from a
24 school;

25 (6) the school opened in August of 2009 and occupies
26 approximately 67,000 square feet of space; and

1 (7) the building in which the premises shall be located
2 has been listed on the National Register of Historic Places
3 since April 17, 1970.

4 (dd) Notwithstanding any provision in this Section to the
5 contrary, nothing in this Section shall prohibit the issuance
6 or renewal of a license authorizing the sale of alcoholic
7 liquor within a full-service grocery store at a premises that
8 is located within a municipality with a population in excess of
9 1,000,000 inhabitants and is within 100 feet of a school if:

10 (1) the premises is constructed on land that was
11 purchased from the municipality at a fair market price;

12 (2) the premises is constructed on land that was
13 previously used as a parking facility for public safety
14 employees;

15 (3) the sale of alcoholic liquor is not the principal
16 business carried on by the licensee at the premises;

17 (4) the main entrance to the store is more than 100
18 feet from the main entrance to the school;

19 (5) the premises is to be new construction;

20 (6) the school is a private school;

21 (7) the principal of the school has given written
22 approval for the license;

23 (8) the alderman of the ward where the premises is
24 located has given written approval of the issuance of the
25 license;

26 (9) the grocery store level of the premises is between

1 60,000 and 70,000 square feet; and

2 (10) the owner and operator of the grocery store
3 operates 2 other grocery stores that have alcoholic liquor
4 licenses within the same municipality.

5 (ee) Notwithstanding any provision in this Section to the
6 contrary, nothing in this Section shall prohibit the issuance
7 or renewal of a license authorizing the sale of alcoholic
8 liquor within a full-service grocery store at a premises that
9 is located within a municipality with a population in excess of
10 1,000,000 inhabitants and is within 100 feet of a school if:

11 (1) the premises is constructed on land that once
12 contained an industrial steel facility;

13 (2) the premises is located on land that has undergone
14 environmental remediation;

15 (3) the premises is located within a retail complex
16 containing retail stores where some of the stores sell
17 alcoholic beverages;

18 (4) the principal activity of any restaurant in the
19 retail complex is the sale of food, and the sale of
20 alcoholic liquor is incidental to the sale of food;

21 (5) the sale of alcoholic liquor is not the principal
22 business carried on by the grocery store;

23 (6) the entrance to any business that sells alcoholic
24 liquor is more than 100 feet from the entrance to the
25 school;

26 (7) the alderman of the ward where the premises is

1 located has given written approval of the issuance of the
2 license; and

3 (8) the principal of the school has given written
4 consent to the issuance of the license.

5 (ff) Notwithstanding any provision of this Section to the
6 contrary, nothing in this Section shall prohibit the issuance
7 or renewal of a license authorizing the sale of alcoholic
8 liquor at a premises that is located within a municipality with
9 a population in excess of 1,000,000 inhabitants and within 100
10 feet of a school if:

11 (1) the sale of alcoholic liquor is not the principal
12 business carried on at the premises;

13 (2) the sale of alcoholic liquor at the premises is
14 incidental to the operation of a theater;

15 (3) the premises is a one and one-half-story building
16 of approximately 10,000 square feet;

17 (4) the school is a City of Chicago School District 299
18 school;

19 (5) the primary entrance of the premises and the
20 primary entrance of the school are at least 300 feet apart
21 and no more than 400 feet apart;

22 (6) the alderman of the ward in which the premises is
23 located has expressed, in writing, his support for the
24 issuance of the license; and

25 (7) the principal of the school has expressed, in
26 writing, that there is no objection to the issuance of a

1 license under this subsection (ff).

2 (gg) Notwithstanding any provision of this Section to the
3 contrary, nothing in this Section shall prohibit the issuance
4 or renewal of a license authorizing the sale of alcoholic
5 liquor incidental to the sale of food within a restaurant or
6 banquet facility established in a premises that is located in a
7 municipality with a population in excess of 1,000,000
8 inhabitants and within 100 feet of a church if:

9 (1) the sale of alcoholic liquor is not the principal
10 business carried on by the licensee at the premises;

11 (2) the property on which the church is located and the
12 property on which the premises are located are both within
13 a district originally listed on the National Register of
14 Historic Places on February 14, 1979;

15 (3) the property on which the premises are located
16 contains one or more multi-story buildings that are at
17 least 95 years old and have no more than three stories;

18 (4) the building in which the church is located is at
19 least 120 years old;

20 (5) the property on which the church is located is
21 immediately adjacent to and west of the property on which
22 the premises are located;

23 (6) the western boundary of the property on which the
24 premises are located is no less than 118 feet in length and
25 no more than 122 feet in length;

26 (7) as of December 31, 2012, both the church property

1 and the property on which the premises are located are
2 within 250 feet of City of Chicago Business-Residential
3 Planned Development Number 38;

4 (8) the principal religious leader at the place of
5 worship has indicated his or her support for the issuance
6 of the license in writing; and

7 (9) the alderman in whose district the premises are
8 located has expressed his or her support for the issuance
9 of the license in writing.

10 For the purposes of this subsection, "banquet facility"
11 means the part of the building that is located on the floor
12 above a restaurant and caters to private parties and where the
13 sale of alcoholic liquors is not the principal business.

14 (hh) Notwithstanding any provision of this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license authorizing the sale of alcoholic
17 liquor within a hotel and at an outdoor patio area attached to
18 the hotel that are located in a municipality with a population
19 in excess of 1,000,000 inhabitants and that are within 100 feet
20 of a hospital if:

21 (1) the sale of alcoholic liquor is not the principal
22 business carried on by the licensee at the hotel;

23 (2) the hotel is located within the City of Chicago
24 Business Planned Development Number 468; and

25 (3) the hospital is located within the City of Chicago
26 Institutional Planned Development Number 3.

1 (ii) Notwithstanding any provision of this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor within a restaurant and at an outdoor patio area
5 attached to the restaurant that are located in a municipality
6 with a population in excess of 1,000,000 inhabitants and that
7 are within 100 feet of a church if:

8 (1) the sale of alcoholic liquor at the premises is not
9 the principal business carried on by the licensee and is
10 incidental to the sale of food;

11 (2) the restaurant has been operated on the street
12 level of a 2-story building located on a corner lot since
13 2008;

14 (3) the restaurant is between 3,700 and 4,000 square
15 feet and sits on a lot that is no more than 6,200 square
16 feet;

17 (4) the primary entrance to the restaurant and the
18 primary entrance to the church are located on the same
19 street;

20 (5) the street on which the restaurant and the church
21 are located is a major east-west street;

22 (6) the restaurant and the church are separated by a
23 one-way northbound street;

24 (7) the church is located to the west of and no more
25 than 65 feet from the restaurant; and

26 (8) the principal religious leader at the place of

1 worship has indicated his or her consent to the issuance of
2 the license in writing.

3 (jj) Notwithstanding any provision of this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor at premises located within a municipality with a
7 population in excess of 1,000,000 inhabitants and within 100
8 feet of a church if:

9 (1) the sale of alcoholic liquor is not the principal
10 business carried on by the licensee at the premises;

11 (2) the sale of alcoholic liquor is incidental to the
12 sale of food;

13 (3) the premises are located east of the church, on
14 perpendicular streets, and separated by an alley;

15 (4) the distance between the primary entrance of the
16 premises and the primary entrance of the church is at least
17 175 feet;

18 (5) the distance between the property line of the
19 premises and the property line of the church is at least 40
20 feet;

21 (6) the licensee has been operating at the premises
22 since 2012;

23 (7) the church was constructed in 1904;

24 (8) the alderman of the ward in which the premises is
25 located has expressed, in writing, his or her support for
26 the issuance of the license; and

1 (9) the principal religious leader of the church has
2 delivered a written statement that he or she does not
3 object to the issuance of a license under this subsection
4 (jj).

5 (kk) Notwithstanding any provision of this Section to the
6 contrary, nothing in this Section shall prohibit the issuance
7 or renewal of a license authorizing the sale of alcoholic
8 liquor at a premises that is located within a municipality with
9 a population in excess of 1,000,000 inhabitants and within 100
10 feet of a school if:

11 (1) the sale of alcoholic liquor is not the principal
12 business carried on by the licensee at the premises;

13 (2) the licensee shall only sell packaged liquors on
14 the premises;

15 (3) the licensee is a national retail chain;

16 (4) as of February 27, 2013, the licensee had 1,778
17 stores operating nationwide, 89 operating in this State,
18 and 11 stores operating within the municipality;

19 (5) the licensee shall occupy approximately 169,048
20 square feet of space within a building that is located
21 across the street from a tuition-based preschool; and

22 (6) the alderman of the ward in which the premises is
23 located has expressed, in writing, his or her support for
24 the issuance of the license.

25 (ll) Notwithstanding any provision of this Section to the
26 contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license authorizing the sale of alcoholic
2 liquor at a premises that is located within a municipality with
3 a population in excess of 1,000,000 inhabitants and within 100
4 feet of a school if:

5 (1) the sale of alcoholic liquor is not the principal
6 business carried on by the licensee at the premises;

7 (2) the licensee shall only sell packaged liquors on
8 the premises;

9 (3) the licensee is a national retail chain;

10 (4) as of February 27, 2013, the licensee had 1,778
11 stores operating nationwide, 89 operating in this State,
12 and 11 stores operating within the municipality;

13 (5) the licensee shall occupy approximately 191,535
14 square feet of space within a building that is located
15 across the street from an elementary school; and

16 (6) the alderman of the ward in which the premises is
17 located has expressed, in writing, his or her support for
18 the issuance of the license.

19 (mm) Notwithstanding any provision of this Section to the
20 contrary, nothing in this Section shall prohibit the issuance
21 or renewal of a license authorizing the sale of alcoholic
22 liquor within premises and at an outdoor patio or sidewalk
23 cafe, or both, attached to premises that are located in a
24 municipality with a population in excess of 1,000,000
25 inhabitants and that are within 100 feet of a hospital if:

26 (1) the primary business of the restaurant consists of

1 the sale of food where the sale of liquor is incidental to
2 the sale of food;

3 (2) as a restaurant, the premises may or may not offer
4 catering as an incidental part of food service;

5 (3) the primary business of the restaurant is conducted
6 in space owned by a hospital or an entity owned or
7 controlled by, under common control with, or that controls
8 a hospital, and the chief hospital administrator has
9 expressed his or her support for the issuance of the
10 license in writing; and

11 (4) the hospital is an adult acute care facility
12 primarily located within the City of Chicago Institutional
13 Planned Development Number 3.

14 (nn) Notwithstanding any provision of this Section to the
15 contrary, nothing in this Section shall prohibit the issuance
16 or renewal of a license authorizing the sale of alcoholic
17 liquor at a premises that is located within a municipality with
18 a population in excess of 1,000,000 inhabitants and within 100
19 feet of a church if:

20 (1) the sale of alcoholic liquor is not the principal
21 business carried out on the premises;

22 (2) the sale of alcoholic liquor at the premises is
23 incidental to the operation of a theater;

24 (3) the premises are a building that was constructed in
25 1913 and opened on May 24, 1915 as a vaudeville theater,
26 and the premises were converted to a motion picture theater

1 in 1935;

2 (4) the church was constructed in 1889 with a stone
3 exterior;

4 (5) the primary entrance of the premises and the
5 primary entrance of the church are at least 100 feet apart;
6 and

7 (6) the principal religious leader at the place of
8 worship has indicated his or her consent to the issuance of
9 the license in writing; and

10 (7) the alderman in whose ward the premises are located
11 has expressed his or her support for the issuance of the
12 license in writing.

13 (oo) Notwithstanding any provision of this Section to the
14 contrary, nothing in this Section shall prohibit the issuance
15 or renewal of a license authorizing the sale of alcoholic
16 liquor at a premises that is located within a municipality with
17 a population in excess of 1,000,000 inhabitants and within 100
18 feet of a mosque, church, or other place of worship if:

19 (1) the primary entrance of the premises and the
20 primary entrance of the mosque, church, or other place of
21 worship are perpendicular and are on different streets;

22 (2) the primary entrance to the premises faces West and
23 the primary entrance to the mosque, church, or other place
24 of worship faces South;

25 (3) the distance between the 2 primary entrances is at
26 least 100 feet;

1 (4) the mosque, church, or other place of worship was
2 established in a location within 100 feet of the premises
3 after a license for the sale of alcohol at the premises was
4 first issued;

5 (5) the mosque, church, or other place of worship was
6 established on or around January 1, 2011;

7 (6) a license for the sale of alcohol at the premises
8 was first issued on or before January 1, 1985;

9 (7) a license for the sale of alcohol at the premises
10 has been continuously in effect since January 1, 1985,
11 except for interruptions between licenses of no more than
12 90 days; and

13 (8) the premises are a single-story, single-use
14 building of at least 3,000 square feet and no more than
15 3,380 square feet.

16 (pp) Notwithstanding any provision of this Section to the
17 contrary, nothing in this Section shall prohibit the issuance
18 or renewal of a license authorizing the sale of alcoholic
19 liquor incidental to the sale of food within a restaurant or
20 banquet facility established on premises that are located in a
21 municipality with a population in excess of 1,000,000
22 inhabitants and within 100 feet of at least one church if:

23 (1) the sale of liquor shall not be the principal
24 business carried on by the licensee at the premises;

25 (2) the premises are at least 2,000 square feet and no
26 more than 10,000 square feet and is located in a

1 single-story building;

2 (3) the property on which the premises are located is
3 within an area that, as of 2009, was designated as a
4 Renewal Community by the United States Department of
5 Housing and Urban Development;

6 (4) the property on which the premises are located and
7 the properties on which the churches are located are on the
8 same street;

9 (5) the property on which the premises are located is
10 immediately adjacent to and east of the property on which
11 at least one of the churches is located;

12 (6) the property on which the premises are located is
13 across the street and southwest of the property on which
14 another church is located;

15 (7) the principal religious leaders of the churches
16 have indicated their support for the issuance of the
17 license in writing; and

18 (8) the alderman in whose ward the premises are located
19 has expressed his or her support for the issuance of the
20 license in writing.

21 For purposes of this subsection (pp), "banquet facility"
22 means the part of the building that caters to private parties
23 and where the sale of alcoholic liquors is not the principal
24 business.

25 (qq) Notwithstanding any provision of this Section to the
26 contrary, nothing in this Section shall prohibit the issuance

1 or renewal of a license authorizing the sale of alcoholic
2 liquor on premises that are located within a municipality with
3 a population in excess of 1,000,000 inhabitants and within 100
4 feet of a church or school if:

5 (1) the primary entrance of the premises and the
6 closest entrance of the church or school are at least 200
7 feet apart and no greater than 300 feet apart;

8 (2) the shortest distance between the premises and the
9 church or school is at least 66 feet apart and no greater
10 than 81 feet apart;

11 (3) the premises are a single-story, steel-framed
12 commercial building with at least 18,042 square feet, and
13 was constructed in 1925 and 1997;

14 (4) the owner of the business operated within the
15 premises has been the general manager of a similar
16 supermarket within one mile from the premises, which has
17 had a valid license authorizing the sale of alcoholic
18 liquor since 2002, and is in good standing with the City of
19 Chicago;

20 (5) the principal religious leader at the place of
21 worship has indicated his or her support to the issuance or
22 renewal of the license in writing;

23 (6) the alderman of the ward has indicated his or her
24 support to the issuance or renewal of the license in
25 writing; and

26 (7) the principal of the school has indicated his or

1 her support to the issuance or renewal of the license in
2 writing.

3 (rr) Notwithstanding any provision of this Section to the
4 contrary, nothing in this Section shall prohibit the issuance
5 or renewal of a license authorizing the sale of alcoholic
6 liquor at premises located within a municipality with a
7 population in excess of 1,000,000 inhabitants and within 100
8 feet of a club that leases space to a school if:

9 (1) the sale of alcoholic liquor is not the principal
10 business carried out on the premises;

11 (2) the sale of alcoholic liquor at the premises is
12 incidental to the operation of a grocery store;

13 (3) the premises are a building of approximately 1,750
14 square feet and is rented by the owners of the grocery
15 store from a family member;

16 (4) the property line of the premises is approximately
17 68 feet from the property line of the club;

18 (5) the primary entrance of the premises and the
19 primary entrance of the club where the school leases space
20 are at least 100 feet apart;

21 (6) the director of the club renting space to the
22 school has indicated his or her consent to the issuance of
23 the license in writing; and

24 (7) the alderman in whose district the premises are
25 located has expressed his or her support for the issuance
26 of the license in writing.

1 (ss) Notwithstanding any provision of this Section to the
2 contrary, nothing in this Section shall prohibit the issuance
3 or renewal of a license authorizing the sale of alcoholic
4 liquor at premises located within a municipality with a
5 population in excess of 1,000,000 inhabitants and within 100
6 feet of a church if:

7 (1) the premises are located within a 15 unit building
8 with 13 residential apartments and 2 commercial spaces, and
9 the licensee will occupy both commercial spaces;

10 (2) a restaurant has been operated on the premises
11 since June 2011;

12 (3) the restaurant currently occupies 1,075 square
13 feet, but will be expanding to include 975 additional
14 square feet;

15 (4) the sale of alcoholic liquor is not the principal
16 business carried on by the licensee at the premises;

17 (5) the premises are located south of the church and on
18 the same street and are separated by a one-way westbound
19 street;

20 (6) the primary entrance of the premises is at least 93
21 feet from the primary entrance of the church;

22 (7) the shortest distance between any part of the
23 premises and any part of the church is at least 72 feet;

24 (8) the building in which the restaurant is located was
25 built in 1910;

26 (9) the alderman of the ward in which the premises are

1 located has expressed, in writing, his or her support for
2 the issuance of the license; and

3 (10) the principal religious leader of the church has
4 delivered a written statement that he or she does not
5 object to the issuance of a license under this subsection
6 (ss).

7 (tt) Notwithstanding any provision of this Section to the
8 contrary, nothing in this Section shall prohibit the issuance
9 or renewal of a license authorizing the sale of alcoholic
10 liquor at premises located within a municipality with a
11 population in excess of 1,000,000 inhabitants and within 100
12 feet of a church if:

13 (1) the sale of alcoholic liquor is not the principal
14 business carried on by the licensee at the premises;

15 (2) the sale of alcoholic liquor is incidental to the
16 sale of food;

17 (3) the sale of alcoholic liquor at the premises was
18 previously authorized by a package goods liquor license;

19 (4) the premises are at least 40,000 square feet with
20 25 parking spaces in the contiguous surface lot to the
21 north of the store and 93 parking spaces on the roof;

22 (5) the shortest distance between the lot line of the
23 parking lot of the premises and the exterior wall of the
24 church is at least 80 feet;

25 (6) the distance between the building in which the
26 church is located and the building in which the premises

1 are located is at least 180 feet;

2 (7) the main entrance to the church faces west and is
3 at least 257 feet from the main entrance of the premises;
4 and

5 (8) the applicant is the owner of 10 similar grocery
6 stores within the City of Chicago and the surrounding area
7 and has been in business for more than 30 years.

8 (uu) Notwithstanding any provision of this Section to the
9 contrary, nothing in this Section shall prohibit the issuance
10 or renewal of a license authorizing the sale of alcoholic
11 liquor at premises located within a municipality with a
12 population in excess of 1,000,000 inhabitants and within 100
13 feet of a church if:

14 (1) the sale of alcoholic liquor is not the principal
15 business carried on by the licensee at the premises;

16 (2) the sale of alcoholic liquor is incidental to the
17 operation of a grocery store;

18 (3) the premises are located in a building that is
19 approximately 68,000 square feet with 157 parking spaces on
20 property that was previously vacant land;

21 (4) the main entrance to the church faces west and is
22 at least 500 feet from the entrance of the premises, which
23 faces north;

24 (5) the church and the premises are separated by an
25 alley;

26 (6) the applicant is the owner of 9 similar grocery

1 stores in the City of Chicago and the surrounding area and
2 has been in business for more than 40 years; and

3 (7) the alderman of the ward in which the premises are
4 located has expressed, in writing, his or her support for
5 the issuance of the license.

6 (vv) Notwithstanding any provision of this Section to the
7 contrary, nothing in this Section shall prohibit the issuance
8 or renewal of a license authorizing the sale of alcoholic
9 liquor at premises located within a municipality with a
10 population in excess of 1,000,000 inhabitants and within 100
11 feet of a church if:

12 (1) the sale of alcoholic liquor is the principal
13 business carried on by the licensee at the premises;

14 (2) the sale of alcoholic liquor is primary to the sale
15 of food;

16 (3) the premises are located south of the church and on
17 perpendicular streets and are separated by a driveway;

18 (4) the primary entrance of the premises is at least
19 100 feet from the primary entrance of the church;

20 (5) the shortest distance between any part of the
21 premises and any part of the church is at least 15 feet;

22 (6) the premises are less than 100 feet from the church
23 center, but greater than 100 feet from the area within the
24 building where church services are held;

25 (7) the premises are 25,830 square feet and sit on a
26 lot that is 0.48 acres;

1 (8) the premises were once designated as a Korean
2 American Presbyterian Church and were once used as a
3 Masonic Temple;

4 (9) the premises were built in 1910;

5 (10) the alderman of the ward in which the premises are
6 located has expressed, in writing, his or her support for
7 the issuance of the license; and

8 (11) the principal religious leader of the church has
9 delivered a written statement that he or she does not
10 object to the issuance of a license under this subsection
11 (vv).

12 For the purposes of this subsection (vv), "premises" means
13 a place of business together with a privately owned outdoor
14 location that is adjacent to the place of business.

15 (wv) Notwithstanding any provision of this Section to the
16 contrary, nothing in this Section shall prohibit the issuance
17 or renewal of a license authorizing the sale of alcoholic
18 liquor at premises located within a municipality with a
19 population in excess of 1,000,000 inhabitants and within 100
20 feet of a school if:

21 (1) the school is located within Sub Area III of City
22 of Chicago Residential-Business Planned Development Number
23 523, as amended; and

24 (2) the premises are located within Sub Area I, Sub
25 Area II, or Sub Area IV of City of Chicago
26 Residential-Business Planned Development Number 523, as

1 amended.

2 (xx) Notwithstanding any provision of this Section to the
3 contrary, nothing in this Section shall prohibit the issuance
4 or renewal of a license authorizing the sale of alcoholic
5 liquor at premises located within a municipality with a
6 population in excess of 1,000,000 inhabitants and within 100
7 feet of a church if:

8 (1) the sale of wine or wine-related products is the
9 exclusive business carried on by the licensee at the
10 premises;

11 (2) the primary entrance of the premises and the
12 primary entrance of the church are at least 100 feet apart
13 and are located on different streets;

14 (3) the building in which the premises are located and
15 the building in which the church is located are separated
16 by an alley;

17 (4) the premises consists of less than 2,000 square
18 feet of floor area dedicated to the sale of wine or
19 wine-related products;

20 (5) the premises are located on the first floor of a
21 2-story building that is at least 99 years old and has a
22 residential unit on the second floor; and

23 (6) the principal religious leader at the church has
24 indicated his or her support for the issuance or renewal of
25 the license in writing.

26 (yy) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance
2 or renewal of a license authorizing the sale of alcoholic
3 liquor at premises located within a municipality with a
4 population in excess of 1,000,000 inhabitants and within 100
5 feet of a church if:

6 (1) the sale of alcoholic liquor at the premises is
7 incidental to the sale of food;

8 (2) the premises are located in a single-story building
9 of primarily brick construction containing at least 6
10 commercial units constructed before 1940;

11 (3) the premises are located in a B3-2 zoning district;

12 (4) the premises are less than 4,000 square feet;

13 (5) the church established its congregation in 1891 and
14 completed construction of the church building in 1990;

15 (6) the premises are located south of the church;

16 (7) the premises and church are located on the same
17 street and are separated by a one-way westbound street; and

18 (8) the principal religious leader of the church has
19 not indicated his or her opposition to the issuance or
20 renewal of the license in writing.

21 (zz) Notwithstanding any provision of this Section to the
22 contrary, nothing in this Section shall prohibit the issuance
23 or renewal of a license authorizing the sale of alcoholic
24 liquor within a full-service grocery store at premises located
25 within a municipality with a population in excess of 1,000,000
26 inhabitants and within 100 feet of a church and school if:

1 (1) as of March 14, 2007, the premises are located in a
2 City of Chicago Residential-Business Planned Development
3 No. 1052;

4 (2) the sale of alcoholic liquor is not the principal
5 business carried on by the licensee at the premises;

6 (3) the sale of alcoholic liquor is incidental to the
7 operation of a grocery store and comprises no more than 10%
8 of the total in-store sales;

9 (4) the owner and operator of the grocery store
10 operates at least 10 other grocery stores that have
11 alcoholic liquor licenses within the same municipality;

12 (5) the premises are new construction when the license
13 is first issued;

14 (6) the constructed premises are to be no less than
15 50,000 square feet;

16 (7) the school is a private church-affiliated school;

17 (8) the premises and the property containing the church
18 and church-affiliated school are located on perpendicular
19 streets and the school and church are adjacent to one
20 another;

21 (9) the pastor of the church and school has expressed,
22 in writing, support for the issuance of the license; and

23 (10) the alderman of the ward in which the premises are
24 located has expressed, in writing, his or her support for
25 the issuance of the license.

26 (Source: P.A. 97-9, eff. 6-14-11; 97-12, eff. 6-14-11; 97-634,

1 eff. 12-16-11; 97-774, eff. 7-13-12; 97-780, eff. 7-13-12;
2 97-806, eff. 7-13-12; 97-1166, eff. 3-1-13; 98-274, eff.
3 8-9-13; 98-463, eff. 8-16-13; 98-571, eff. 8-27-13; 98-592,
4 eff. 11-15-13; 98-1092, eff. 8-26-14; 98-1158, eff. 1-9-15.)

5 (235 ILCS 5/6-36)

6 Sec. 6-36. Homemade brewed beverages.

7 (a) No license or permit is required under this Act for the
8 making of homemade brewed beverages or for the possession,
9 transportation, or storage of homemade brewed beverages by any
10 person 21 years of age or older, if all of the following apply:

11 (1) the person who makes the homemade brewed beverages
12 receives no compensation;

13 (2) the homemade brewed beverages are ~~is~~ not sold or
14 offered for sale; and

15 (3) the total quantity of homemade brewed beverages
16 made, in a calendar year, by the person does not exceed 100
17 gallons if the household has only one person 21 years of
18 age or older or 200 gallons if the household has 2 or more
19 persons 21 years of age or older.

20 (b) A person who makes, possesses, transports, or stores
21 homemade brewed beverages in compliance with the limitations
22 specified in subsection (a) is not a brewer, class 1 ~~craft~~
23 brewer, class 2 brewer, wholesaler, retailer, or a manufacturer
24 of beer for the purposes of this Act.

25 (c) Homemade brewed beverages made in compliance with the

1 limitations specified in subsection (a) may be consumed by the
2 person who made it and his or her family, neighbors, and
3 friends at any private residence or other private location
4 where the possession and consumption of alcohol are ~~is~~
5 permissible under this Act, local ordinances, and other
6 applicable law, provided that the homemade brewed beverages are
7 not made available for consumption by the general public.

8 (d) Homemade brewed beverages made in compliance with the
9 limitations specified in subsection (a) may be used for
10 purposes of a public exhibition, demonstration, tasting, or
11 sampling with sampling sizes as authorized by Section 6-31, if
12 the event is held at a private residence or at a location other
13 than a retail licensed premises. If the public event is not
14 held at a private residence, the event organizer shall obtain a
15 homebrewer special event permit for each location, and is
16 subject to the provisions in subsection (a) of Section 6-21.
17 Homemade brewed beverages used for purposes described in this
18 subsection (d), including the submission or consumption of the
19 homemade brewed beverages, are not considered sold or offered
20 for sale under this Act. A public exhibition, demonstration,
21 tasting, or sampling with sampling sizes as authorized by
22 Section 6-31 held by a licensee on a location other than a
23 retail licensed premises may require an admission charge to the
24 event, but no separate or additional fee may be charged for the
25 consumption of a person's homemade brewed beverages at the
26 public exhibition, demonstration, tasting, or sampling with

1 sampling sizes as authorized by Section 6-31. Event admission
2 charges that are collected may be partially used to provide
3 prizes to makers of homemade brewed beverages, but the
4 admission charges may not be divided in any fashion among the
5 makers of the homemade brewed beverages who participate in the
6 event. Homemade brewed beverages used for purposes described in
7 this subsection (d) are not considered sold or offered for sale
8 under this Act if a maker of homemade brewed beverages receives
9 free event admission or discounted event admission in return
10 for the maker's donation of the homemade brewed beverages to an
11 event specified in this subsection (d) that collects event
12 admission charges; free admission or discounted admission to
13 the event is not considered compensation under this Act. No
14 admission fee and no charge for the consumption of a person's
15 homemade brewed beverage may be collected if the public
16 exhibition, demonstration, tasting, or sampling with sampling
17 sizes as authorized by Section 6-31 is held at a private
18 residence.

19 (e) A person who is not a licensee under this Act may at a
20 private residence, and a person who is a licensee under this
21 Act may on the licensed premises, conduct, sponsor, or host a
22 contest, competition, or other event for the exhibition,
23 demonstration, judging, tasting, or sampling of homemade
24 brewed beverages made in compliance with the limitations
25 specified in subsection (a), if the person does not sell the
26 homemade brewed beverages and, unless the person is the brewer

1 of the homemade brewed beverages, does not acquire any
2 ownership interest in the homemade brewed beverages. If the
3 contest, competition, exhibition, demonstration, or judging is
4 not held at a private residence, the consumption of the
5 homemade brewed beverages is limited to qualified judges and
6 stewards as defined by a national or international beer judging
7 program, who are identified by the event organizer in advance
8 of the contest, competition, exhibition, demonstration, or
9 judging. Homemade brewed beverages used for the purposes
10 described in this subsection (e), including the submission or
11 consumption of the homemade brewed beverages, are not
12 considered sold or offered for sale under this Act and any
13 prize awarded at a contest or competition or as a result of an
14 exhibition, demonstration, or judging is not considered
15 compensation under this Act. An exhibition, demonstration,
16 judging, contest, or competition held by a licensee on a
17 licensed premises may require an admission charge to the event,
18 but no separate or additional fee may be charged for the
19 consumption of a person's homemade brewed beverage at the
20 exhibition, demonstration, judging, contest, or competition. A
21 portion of event admission charges that are collected may be
22 used to provide prizes to makers of homemade brewed beverages,
23 but the admission charges may not be divided in any fashion
24 among the makers of the homemade brewed beverages who
25 participate in the event. Homemade brewed beverages used for
26 purposes described in this subsection (e) are not considered

1 sold or offered for sale under this Act if a maker of homemade
2 brewed beverages receives free event admission or discounted
3 event admission in return for the maker's donation of the
4 homemade brewed beverages to an event specified in this
5 subsection (e) that collects event admission charges; free
6 admission or discounted admission to the event is not
7 considered compensation under this Act. No admission fee and no
8 charge for the consumption of a person's homemade brewed
9 beverage may be charged if the exhibition, demonstration,
10 judging, contest, or competition is held at a private
11 residence. The fact that a person is acting in a manner
12 authorized by this Section is not, by itself, sufficient to
13 constitute a public nuisance under Section 10-7 of this Act. If
14 the contest, competition, or other event is held on licensed
15 premises, the licensee may allow the homemade brewed beverages
16 to be stored on the premises if the homemade brewed beverages
17 are clearly identified and~~7~~ kept separate from any alcohol
18 beverages owned by the licensee. If the contest, competition,
19 or other event is held on licensed premises, other provisions
20 of this Act not inconsistent with this Section apply.

21 (f) A commercial enterprise engaged primarily in selling
22 supplies and equipment to the public for use by homebrewers may
23 manufacture homemade brewed beverages for the purpose of
24 tasting the homemade brewed beverages at the location of the
25 commercial enterprise, provided that the homemade brewed
26 beverages are not sold or offered for sale. Homemade brewed

1 beverages provided at a commercial enterprise for tasting under
2 this subsection (f) shall be in compliance with Sections 6-16,
3 6-21, and 6-31 of this Act. A commercial enterprise engaged
4 solely in selling supplies and equipment for use by homebrewers
5 shall not be required to secure a license under this Act,
6 however, such commercial enterprise shall secure liquor
7 liability insurance coverage in an amount at least equal to the
8 maximum liability amounts set forth in subsection (a) of
9 Section 6-21 of this Act.

10 (g) Homemade brewed beverages are not subject to Section
11 8-1 of this Act.

12 (Source: P.A. 98-55, eff. 7-5-13; revised 11-26-14.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."