

1 AN ACT concerning liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Sections 5-1, 5-3, 6-4, and 6-31 as follows:

6 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

15 (b) Distributor's license,

16 (c) Importing Distributor's license,

17 (d) Retailer's license,

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

19 (f) Railroad license,

20 (g) Boat license,

21 (h) Non-Beverage User's license,

22 (i) Wine-maker's premises license,

23 (j) Airplane license,

- 1 (k) Foreign importer's license,
- 2 (l) Broker's license,
- 3 (m) Non-resident dealer's license,
- 4 (n) Brew Pub license,
- 5 (o) Auction liquor license,
- 6 (p) Caterer retailer license,
- 7 (q) Special use permit license,
- 8 (r) Winery shipper's license, ~~and~~
- 9 (s) Craft distiller tasting permit.

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

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

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

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

26 Class 3. A Brewer may make sales and deliveries of beer to

1 importing distributors and distributors and may make sales as
2 authorized under subsection (e) of Section 6-4 of this Act.

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

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

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

22 Class 7. A second-class wine-maker's license shall allow
23 the manufacture of between 50,000 and 150,000 gallons of wine
24 per year, and the storage and sale of such wine to distributors
25 in this State and to persons without the State, as may be
26 permitted by law. A person who, prior to June 1, 2008 (the

1 effective date of Public Act 95-634) ~~this amendatory Act of the~~
2 ~~95th General Assembly~~, is a holder of a second-class
3 wine-maker's license and annually produces more than 25,000
4 gallons of its own wine and who distributes its wine to
5 licensed retailers shall cease this practice on or before July
6 1, 2008 in compliance with Public Act 95-634 ~~this amendatory~~
7 ~~Act of the 95th General Assembly~~.

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

12 Class 9. A craft distiller license shall allow the
13 manufacture of up to 100,000 ~~30,000~~ gallons of spirits by
14 ~~distillation for one year after the effective date of this~~
15 ~~amendatory Act of the 97th General Assembly and up to 35,000~~
16 gallons of spirits by distillation per year ~~thereafter~~ and the
17 storage of such spirits. If a craft distiller licensee is not
18 affiliated with any other manufacturer, then the craft
19 distiller licensee may sell such spirits to distributors in
20 this State and up to 2,500 gallons of such spirits to
21 non-licensees to the extent permitted by any exemption approved
22 by the Commission pursuant to Section 6-4 of this Act.

23 Any craft distiller licensed under this Act who on July 28,
24 2010 (the effective date of Public Act 96-1367) ~~this amendatory~~
25 ~~Act of the 96th General Assembly~~ was licensed as a distiller
26 and manufactured no more spirits than permitted by this Section

1 shall not be required to pay the initial licensing fee.

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

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

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

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

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

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

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

22 (d) A retailer's license shall allow the licensee to sell
23 and offer for sale at retail, only in the premises specified in
24 the license, alcoholic liquor for use or consumption, but not
25 for resale in any form. Nothing in Public Act 95-634 ~~this~~
26 ~~amendatory Act of the 95th General Assembly~~ shall deny, limit,

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

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

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

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

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

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

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

21 (h) A non-beverage user's license shall allow the licensee
22 to purchase alcoholic liquor from a licensed manufacturer or
23 importing distributor, without the imposition of any tax upon
24 the business of such licensed manufacturer or importing
25 distributor as to such alcoholic liquor to be used by such
26 licensee solely for the non-beverage purposes set forth in

1 subsection (a) of Section 8-1 of this Act, and such licenses
2 shall be divided and classified and shall permit the purchase,
3 possession and use of limited and stated quantities of
4 alcoholic liquor as follows:

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

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

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

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

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

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

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

1 order that alcoholic liquors be shipped to a distributor,
2 importing distributor or foreign importer, whether such
3 solicitation or offer is consummated within or without the
4 State of Illinois.

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

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

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

25 A broker's license under this subsection (1) shall not
26 entitle the holder to buy or sell any alcoholic liquors for his

1 own account or to take or deliver title to such alcoholic
2 liquors.

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

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

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

1 (n) A brew pub license shall allow the licensee to only (i)
2 manufacture up to 155,000 gallons of beer per year only on the
3 premises specified in the license, (ii) make sales of the beer
4 manufactured on the premises or, with the approval of the
5 Commission, beer manufactured on another brew pub licensed
6 premises that is wholly owned and operated by the same licensee
7 to importing distributors, distributors, and to non-licensees
8 for use and consumption, (iii) store the beer upon the
9 premises, (iv) sell and offer for sale at retail from the
10 licensed premises for off-premises consumption no more than
11 155,000 gallons per year so long as such sales are only made
12 in-person, (v) sell and offer for sale at retail for use and
13 consumption on the premises specified in the license any form
14 of alcoholic liquor purchased from a licensed distributor or
15 importing distributor, and (vi) with the prior approval of the
16 Commission, annually transfer no more than 155,000 gallons of
17 beer manufactured on the premises to a licensed brew pub wholly
18 owned and operated by the same licensee.

19 A brew pub licensee shall not under any circumstance sell
20 or offer for sale beer manufactured by the brew pub licensee to
21 retail licensees.

22 A person who holds a class 2 brewer license may
23 simultaneously hold a brew pub license if the class 2 brewer
24 (i) does not, under any circumstance, sell or offer for sale
25 beer manufactured by the class 2 brewer to retail licensees;
26 (ii) does not hold more than 3 brew pub licenses in this State;

1 (iii) does not manufacture more than a combined 3,720,000
2 gallons of beer per year, including the beer manufactured at
3 the brew pub; and (iv) is not a member of or affiliated with,
4 directly or indirectly, a manufacturer that produces more than
5 3,720,000 gallons of beer per year or any other alcoholic
6 liquor.

7 Notwithstanding any other provision of this Act, a licensed
8 brewer, class 2 brewer, or non-resident dealer who before July
9 1, 2015 manufactured less than ~~than~~ 3,720,000 gallons of beer
10 per year and held a brew pub license on or before July 1, 2015
11 may (i) continue to qualify for and hold that brew pub license
12 for the licensed premises and (ii) manufacture more than
13 3,720,000 gallons of beer per year and continue to qualify for
14 and hold that brew pub license if that brewer, class 2 brewer,
15 or non-resident dealer does not simultaneously hold a class 1
16 brewer license and is not a member of or affiliated with,
17 directly or indirectly, a manufacturer that produces more than
18 3,720,000 gallons of beer per year or that produces any other
19 alcoholic liquor.

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

25 (p) An auction liquor license shall allow the licensee to
26 sell and offer for sale at auction wine and spirits for use or

1 consumption, or for resale by an Illinois liquor licensee in
2 accordance with provisions of this Act. An auction liquor
3 license will be issued to a person and it will permit the
4 auction liquor licensee to hold the auction anywhere in the
5 State. An auction liquor license must be obtained for each
6 auction at least 14 days in advance of the auction date.

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

21 (r) A winery shipper's license shall allow a person with a
22 first-class or second-class wine manufacturer's license, a
23 first-class or second-class wine-maker's license, or a limited
24 wine manufacturer's license or who is licensed to make wine
25 under the laws of another state to ship wine made by that
26 licensee directly to a resident of this State who is 21 years

1 of age or older for that resident's personal use and not for
2 resale. Prior to receiving a winery shipper's license, an
3 applicant for the license must provide the Commission with a
4 true copy of its current license in any state in which it is
5 licensed as a manufacturer of wine. An applicant for a winery
6 shipper's license must also complete an application form that
7 provides any other information the Commission deems necessary.
8 The application form shall include an acknowledgement
9 consenting to the jurisdiction of the Commission, the Illinois
10 Department of Revenue, and the courts of this State concerning
11 the enforcement of this Act and any related laws, rules, and
12 regulations, including authorizing the Department of Revenue
13 and the Commission to conduct audits for the purpose of
14 ensuring compliance with Public Act 95-634 ~~this amendatory Act~~.

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

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

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

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

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

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

5 (Source: P.A. 98-394, eff. 8-16-13; 98-401, eff. 8-16-13;
 6 98-756, eff. 7-16-14; 99-448, eff. 8-24-15; revised 10-27-15.)

7 (235 ILCS 5/5-3) (from Ch. 43, par. 118)

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

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

15 For a manufacturer's license:

16	Class 1. Distiller	\$3,600
17	Class 2. Rectifier	3,600
18	Class 3. Brewer	900
19	Class 4. First-class Wine Manufacturer	600
20	Class 5. Second-class	
21	Wine Manufacturer.....	1,200
22	Class 6. First-class wine-maker	600
23	Class 7. Second-class wine-maker	1200
24	Class 8. Limited Wine Manufacturer	120
25	Class 9. Craft Distiller	1,800

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

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

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. 98-55, eff. 7-5-13; 99-448, eff. 8-24-15.)

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 licensed as a brewer, class 1 brewer, or
10 class 2 brewer shall be permitted to sell on the licensed
11 premises to non-licensees for on or off-premises consumption
12 for the premises in which he or she actually conducts such
13 business beer manufactured by the brewer, class 1 brewer, or
14 class 2 brewer. Such sales shall be limited to on-premises,
15 in-person sales only, for lawful consumption on or off
16 premises. Such authorization shall be considered a privilege
17 granted by the brewer license and, other than a manufacturer of
18 beer as stated above, no manufacturer or distributor or
19 importing distributor, excluding airplane licensees exercising
20 powers provided in paragraph (i) of Section 5-1 of this Act, or
21 any subsidiary or affiliate thereof, or any officer, associate,
22 member, partner, representative, employee or agent, or
23 shareholder shall be issued a retailer's license, nor shall any
24 person having a retailer's license, excluding airplane
25 licensees exercising powers provided in paragraph (i) of
26 Section 5-1 of this Act, or any subsidiary or affiliate

1 thereof, or any officer, associate, member, partner,
2 representative or agent, or shareholder be issued a
3 manufacturer's license or importing distributor's license.

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

11 A person licensed as a craft distiller not affiliated with
12 any other person manufacturing spirits may be authorized by the
13 Commission to sell up to 2,500 gallons of spirits produced by
14 the person to non-licensees for on or off-premises consumption
15 for the premises in which he or she actually conducts business
16 permitting only the retail sale of spirits manufactured at such
17 premises. Such sales shall be limited to on-premises, in-person
18 sales only, for lawful consumption on or off premises, and such
19 authorization shall be considered a privilege granted by the
20 craft distiller license. A craft distiller licensed for retail
21 sale shall secure liquor liability insurance coverage in an
22 amount at least equal to the maximum liability amounts set
23 forth in subsection (a) of Section 6-21 of this Act.

24 (f) (Blank).

25 (g) Notwithstanding any of the foregoing prohibitions, a
26 limited wine manufacturer may sell at retail at its

1 manufacturing site for on or off premises consumption and may
2 sell to distributors. A limited wine manufacturer licensee
3 shall secure liquor liability insurance coverage in an amount
4 at least equal to the maximum liability amounts set forth in
5 subsection (a) of Section 6-21 of this Act.

6 (h) The changes made to this Section by Public Act 99-47
7 ~~this amendatory Act of the 99th General Assembly~~ shall not
8 diminish or impair the rights of any person, whether a
9 distiller, wine manufacturer, agent, or affiliate thereof, who
10 requested in writing and submitted documentation to the State
11 Commission on or before February 18, 2015 to be approved for a
12 retail license pursuant to what has heretofore been subsection
13 (f); provided that, on or before that date, the State
14 Commission considered the intent of that person to apply for
15 the retail license under that subsection and, by recorded vote,
16 the State Commission approved a resolution indicating that such
17 a license application could be lawfully approved upon that
18 person duly filing a formal application for a retail license
19 and if that person, within 90 days of the State Commission
20 appearance and recorded vote, first filed an application with
21 the appropriate local commission, which application was
22 subsequently approved by the appropriate local commission
23 prior to consideration by the State Commission of that person's
24 application for a retail license. It is further provided that
25 the State Commission may approve the person's application for a
26 retail license or renewals of such license if such person

1 continues to diligently adhere to all representations made in
2 writing to the State Commission on or before February 18, 2015,
3 or thereafter, or in the affidavit filed by that person with
4 the State Commission to support the issuance of a retail
5 license and to abide by all applicable laws and duly adopted
6 rules.

7 (Source: P.A. 99-47, eff. 7-15-15; 99-448, eff. 8-24-15;
8 revised 10-30-15.)

9 (235 ILCS 5/6-31)

10 Sec. 6-31. Product sampling.

11 (a) Retailer, distributor, importing distributor,
12 manufacturer and nonresident dealer licensees may conduct
13 product sampling for consumption at a licensed retail location.
14 Up to 3 samples, consisting of no more than (i) 1/4 ounce of
15 distilled spirits, (ii) one ounce of wine, or (iii) 2 ounces of
16 beer may be served to a consumer in one day.

17 (b) Notwithstanding the provisions of subsection (a), an
18 on-premises retail licensee may offer for sale and serve more
19 than one drink per person for sampling purposes. In any event,
20 all provisions of Section 6-28 shall apply to an on-premises
21 retail licensee that conducts product sampling.

22 (c) A craft distiller tasting permit licensee may conduct
23 product sampling of distilled spirits for consumption at the
24 location specified in the craft distiller tasting permit
25 license. Up to 3 samples, consisting of no more than 1/4 ounce

1 of distilled spirits, may be served to a consumer in one day.

2 (Source: P.A. 99-46, eff. 7-15-15.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.