



Rep. Lou Lang

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LRB099 07834 RPS 36011 a

1 AMENDMENT TO SENATE BILL 1516

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1516 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 Section 6-4 as follows:

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

7 Sec. 6-4. (a) No person licensed by any licensing authority  
8 as a distiller, or a wine manufacturer, or any subsidiary or  
9 affiliate thereof, or any officer, associate, member, partner,  
10 representative, employee, agent or shareholder owning more  
11 than 5% of the outstanding shares of such person shall be  
12 issued an importing distributor's or distributor's license,  
13 nor shall any person licensed by any licensing authority as an  
14 importing distributor, distributor or retailer, or any  
15 subsidiary or affiliate thereof, or any officer or associate,  
16 member, partner, representative, employee, agent or

1 shareholder owning more than 5% of the outstanding shares of  
2 such person be issued a distiller's license or a wine  
3 manufacturer's license; and no person or persons licensed as a  
4 distiller by any licensing authority shall have any interest,  
5 directly or indirectly, with such distributor or importing  
6 distributor.

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

16 (b) The foregoing provisions shall not apply to any person  
17 licensed by any licensing authority as a distiller or wine  
18 manufacturer, or to any subsidiary or affiliate of any  
19 distiller or wine manufacturer who shall have been heretofore  
20 licensed by the State Commission as either an importing  
21 distributor or distributor during the annual licensing period  
22 expiring June 30, 1947, and shall actually have made sales  
23 regularly to retailers.

24 (c) Provided, however, that in such instances where a  
25 distributor's or importing distributor's license has been  
26 issued to any distiller or wine manufacturer or to any

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

19 (d) It shall be unlawful for any distiller licensed  
20 anywhere to have any stock ownership or interest in any  
21 distributor's or importing distributor's license wherein any  
22 other person has an interest therein who is not a distiller and  
23 does not own more than 5% of any stock in any distillery.  
24 Nothing herein contained shall apply to such distillers or  
25 their subsidiaries or affiliates, who had a distributor's or  
26 importing distributor's license during the licensing period

1 ending June 30, 1947, which license was owned in whole by such  
2 distiller, or subsidiaries or affiliates of such distiller.

3 (e) Any person having been licensed as a manufacturer shall  
4 be permitted to receive one retailer's license for the premises  
5 in which he or she actually conducts such business, permitting  
6 only the retail sale of beer manufactured at such premises and  
7 only on such premises, but no such person shall be entitled to  
8 more than one retailer's license in any event, and, other than  
9 a manufacturer of beer as stated above, no manufacturer or  
10 distributor or importing distributor, excluding airplane  
11 licensees exercising powers provided in paragraph (i) of  
12 Section 5-1 of this Act, or any subsidiary or affiliate  
13 thereof, or any officer, associate, member, partner,  
14 representative, employee or agent, or shareholder shall be  
15 issued a retailer's license, nor shall any person having a  
16 retailer's license, excluding airplane licensees exercising  
17 powers provided in paragraph (i) of Section 5-1 of this Act, or  
18 any subsidiary or affiliate thereof, or any officer, associate,  
19 member, partner, representative or agent, or shareholder be  
20 issued a manufacturer's license or importing distributor's  
21 license.

22 A person licensed as a craft distiller not affiliated with  
23 any other person manufacturing spirits may be authorized by the  
24 Commission to sell up to 2,500 gallons of spirits produced by  
25 the person to non-licensees for on or off-premises consumption  
26 for the premises in which he or she actually conducts business

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

9 (f) (Blank). ~~However, the foregoing prohibitions against~~  
10 ~~any person licensed as a distiller or wine manufacturer being~~  
11 ~~issued a retailer's license shall not apply:~~

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

21 ~~(ii) where the Commission determines, having~~  
22 ~~considered the public welfare, the economic impact upon the~~  
23 ~~State and the entirety of the facts and circumstances~~  
24 ~~involved, that the purpose and intent of this Section would~~  
25 ~~not be violated by granting an exemption.~~

26 (g) Notwithstanding any of the foregoing prohibitions, a

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

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

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

7 (Source: P.A. 96-1367, eff. 7-28-10; 97-606, eff. 8-26-11;  
8 97-1166, eff. 3-1-13.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.".